



*First American Title*

First American Title Insurance Company  
633 Third Avenue, 16th Floor  
New York, NY 10017  
(212)922-9700 - Fax (212)922-0881

**TITLE NUMBER:** 3008-353730NY1 **SUBMITTED BY:** Phillip Salomon

**APPLICATION DATE:**

05/04/2011

**REPORT DATE:**

**AMENDED DATE:** 05/12/2011

Andrew D. Jaeger

**TYPED BY:** Nada Kanso

**APPLICANT:**

Tal J. Golomb, Esq.

Fried Frank Harris Shriver &, Jacobson LLP

1 New York Plaza, 22nd floor

New York, NY 10004

Phone #(212)859-8619

Fax #(212)859-4000

Email: tal.golomb@friedfrank.com

**BANK ATTORNEY:**

**SELLER'S ATTORNEY:**

**REF:**

**ADDITIONAL COPIES:**

**TRANSACTION TYPE:** Sale w/Mortgage

**AMOUNT OF INSURANCE:**

**FEE:** \$ 0.00

**MTGE:** \$ 0.00

**INSURED MORTGAGEE:**

,

**INSURED FEE:**

LLC to be Formed

**RECORD OWNER:**

160 Madison Avenue Owners Corporation

**PREMISES:**

160 Madison Avenue,

New York, New York

**DISTRICT:**

**SECTION:**

**BLOCK:**

862

**LOTS:**

20

**COUNTY OF:**

New York

**TOWN:**

**Subdivision/Condo Name/Filed Map:**

**APP DESC:**

**UNIT #:**

**SURVEY INSTRUCTIONS:**

*Order Confirmation*



*First American Title*

## **FIRST AMERICAN TITLE INSURANCE COMPANY**

First American Title Insurance Company is pleased to announce a website which can be accessed at <http://www.Firstamny.com>. This site will enable you to calculate charges for premiums, endorsements, taxes, recording fees and more for New York transactions. An alternate First American website for calculating premiums and recording fees can be accessed at <http://FACC.Firstam.com>.

On the <http://www.Firstamny.com> website, in addition to checking fees you can also place orders online, download forms and documents or just peruse our underwriting library.

We thank you for giving us the opportunity to work with you on this transaction. We hope to meet all of your title needs and look forward to working with you in the future.



**First American Title**

**First American Title Insurance Company**

633 Third Avenue, 16th Floor

New York, NY 10017

Phone: (212)922-9700 / Fax: (212)922-0881

**PR:** NYORK

**Ofc:** 3008 (1375)

**Invoice**

**To:** Fried Frank Harris Shriver & Jacobson LLP  
1 New York Plaza, 22nd floor  
New York, NY 10004

**Invoice No.:** 1375 - 300881985

**Date:** 05/09/2011

**Our File No.:** 3008-353730NY1

**Title Officer:** Matthew Cahill

**Escrow Officer:** NYCPAT

**Customer ID:** FR04366

**Attention:** Tal J. Golomb, Esq.

**Your Reference No.:**

**RE: Property:**  
160 Madison Avenue, New York, NY

**Liability Amounts**

**Owners:**

**Lenders:**

**Buyers:** LLC to be Formed

**Sellers:** 160 Madison Avenue Owners Corporation

Description of Charge	Invoice Amount
Certificate of Occupancy (Taxable)	\$50.00
Sales Tax	\$20.41
Street Report (Taxable)	\$25.00
Partition Search (Taxable)	\$5.00
Housing and Building (Taxable)	\$50.00
Emergency Repair (Taxable)	\$50.00

**INVOICE TOTAL \$200.41**

**Comments:**

**Thank you for your business!**

*To assure proper credit, please send a copy of this Invoice and Payment to:  
Attention: Accounts Receivable Department*



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## ***CERTIFICATE OF TITLE***

### **First American Title Insurance Company**

Title No. 3008-353730NY1

*First American Title Insurance Company* ("the Company") certifies to the "proposed insured(s)" listed herein that an examination of title to the premises described in Schedule A has been made in accordance with its usual procedure and agrees to issue its standard form of title insurance policy authorized by the Insurance Department of the State of New York, in the amount set forth herein, insuring the interest set forth herein, and the marketability thereof, in the premises described in Schedule A, after the closing of the transaction in conformance with the requirements and procedures approved by the Company and after the payment of the premium and fees associated herewith excepting (a) all loss or damage by reason of the estates, interests, defects, objections, liens, encumbrances and other matters set forth herein that are not disposed of to the satisfaction of the Company prior to such closing or issuance of the policy (b) any question or objection coming to the attention of the Company before the date of closing, or if there be no closing, before the issuance of the policy.

This Agreement to insure shall terminate (1) if the prospective insured, his or her attorney or agent makes any untrue statement with respect to any material fact or suppresses or fails to disclose any material fact or if any untrue answers are given to material inquiries by or on behalf of the Company; or (2) upon the issuance of title insurance in accordance herewith. In the event that this Certificate is endorsed and redated by an authorized representative of the Company after the closing of the transaction and payment of the premium and fees associated herewith, such "redated" Certificate shall serve as evidence of the title insurance issued until such time as a policy of title insurance is delivered to the insured. Any claim made under the redated Certificate shall be restricted to the conditions, stipulations and exclusions from coverage of the standard form of title insurance policy issued by the Company.

First American Title Insurance Company

Dennis J. Gilmore  
President

Timothy Kemp  
Secretary





*First American Title*

## **CLOSING REQUIREMENTS**

1. **CLOSING DATE:** In order to facilitate the closing of title, please notify the closing department at least 48 hours prior to the closing, of the date and place of closing, so that searches may be continued.
2. **PROOF OF IDENTITY:** Identity of all persons executing the papers delivered on the closing must be established to the satisfaction of the Company.
3. **POWER OF ATTORNEY:** If any of the closing instruments are to be executed pursuant to a Power of Attorney, a copy of such Power should be submitted to the Company prior to closing. THE IDENTITY OF THE PRINCIPAL EXECUTING THE POWER AND THE CONTINUED EFFECTIVENESS OF THE POWER MUST BE ESTABLISHED TO THE SATISFACTION OF THE COMPANY. The Power must be in recordable form.
4. **CLOSING INSTRUMENTS:** If any of the closing instruments will be other than commonly used forms or contain unusual provisions, the closing can be simplified and expedited by furnishing the Company with copies of the proposed documents in advance of closing.
5. **LIEN LAW CLAUSE:** Deeds and mortgages must contain the covenant required by Section 13 of the Lien Law. The covenant is not required in deeds from referees or other persons appointed by a court for the sole purpose of selling property.
6. **REFERENCE TO SURVEYS AND MAPS:** Closing instruments should make no reference to surveys or maps unless such surveys or maps are on file.
7. **INTERMEDIARY DEEDS:** In the event an intermediary will come into title at closing, other than the ultimate insured, the name of such party must be furnished to the Company in advance of closing so that appropriate searches can be made and relevant exceptions considered.

## **MISCELLANEOUS PROVISIONS**

1. THIS CERTIFICATE IS INTENDED FOR LAWYERS ONLY. YOUR LAWYER SHOULD BE CONSULTED BEFORE TAKING ANY ACTION BASED UPON THE CONTENTS HEREOF.
2. THE COMPANY'S CLOSER MAY NOT ACT AS LEGAL ADVISOR FOR ANY OF THE PARTIES OR DRAW LEGAL INSTRUMENTS FOR THEM. THE CLOSER IS PERMITTED TO BE OF ASSISTANCE ONLY TO AN ATTORNEY.
3. Our policy will except from coverage any state of facts which an accurate survey might show, unless survey coverage is ordered. When such coverage is ordered, this certificate will set forth the specific survey exceptions which we will include in our policy. Whenever the word "trim" is used in any survey exceptions from coverage, it shall be deemed to include, roof cornices, mouldings, belt courses, water tables, keystones, pilasters, portico, balcony all of which project beyond the street line.
4. Our examination of the title includes a search for any unexpired financing statements which affect fixtures and which have been properly filed and indexed pursuant to the Uniform Commercial Code in the office of the recording officer of the county in which the real property lies. No search has been made for other financing statements because we do not insure title to personal property. We will on request, in connection with the issuance of a title insurance policy, prepare such search for an additional charge. Our liability in connection with such search is limited to \$1,000.00.
5. This company must be notified immediately of the recording or the filing, after the date of this certificate, of any instrument and of the discharge or other disposition of any mortgage, judgment, lien or any other matter set forth in this certificate and of any change in the transaction to be insured or the parties thereto. The continuation will not otherwise disclose the disposition of any lien.
6. If affirmative insurance is desired regarding any of the restrictive covenants with respect to new construction or alterations, please request such insurance in advance of closing as this request should not be considered at closing.
7. If it is discovered that there is additional property or an appurtenant easement for which insurance is desired, please contact the Company in advance of closing so that an appropriate title search may be made. In some cases, our rate manual provides for an additional charge for such insurance.



*First American Title*

Proposed Insured  
Purchaser: LLC to be Formed  
Mortgagee:

Title No.: 3008-353730NY1  
Effective Date: 04/28/2011  
Redated:

Amount of Insurance:  
Fee: \$0.00  
Mortgage: \$0.00

THIS COMPANY CERTIFIES that a good and marketable title to the premises described in Schedule "A", subject to the liens, encumbrances and other matters, if any, set forth in this certificate may be conveyed and or mortgaged by:

**160 MADISON AVENUE OWNERS CORPORATION**

Which acquired title from Henry Traiman Associates, Inc., by deed dated 12/1/1983 and recorded 2/11/1985 in Reel 875 page 1570. (See Post)

Premises described in Schedule "A" are known as:

Address: 160 Madison Avenue,  
New York, New York

County: New York

City: New York

District:

Section:

Block: 862

Lot: 20

**For any Title Clearance Questions  
on this Report please call  
MATTHEW CAHILL  
COUNSEL  
(212)850-0646**

LI/slp



*First American Title*

**\*NOTICE\***

First American will collect fees to enable the recording of documents for this transaction. If it is thereafter determined that a Lender paid all or a portion of those recording fees, First American will promptly refund the amount paid by the Lender to the party from whom it was collected.



*First American Title*

**Title No. 3008-353730NY1**

**SCHEDULE "A"**

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN THE BOROUGH OF MANHATTAN, CITY, COUNTY AND STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY SIDE OF MADISON AVENUE, DISTANT 73 FEET 11½ INCHES NORTHERLY FROM THE CORNER FORMED BY THE INTERSECTION OF THE WESTERLY SIDE OF MADISON AVENUE AND THE NORTHERLY SIDE OF 32ND STREET;

RUNNING THENCE NORTHERLY ALONG THE WESTERLY SIDE OF MADISON AVENUE, 24 FEET 7 INCHES;

THENCE WESTERLY AND PART OF THE DISTANCE THROUGH A PARTY WALL 95 FEET;

THENCE SOUTHERLY AND PARALLEL WITH MADISON AVENUE 24 FEET 7 INCHES;

THENCE EASTERLY AND PARALLEL WITH 32ND STREET AND PART OF THE DISTANCE THROUGH A PARTY WALL 95 FEET TO THE WESTERLY SIDE OF MADISON AVENUE AT THE POINT OR PLACE OF BEGINNING.

**THE** policy to be issued under this report will insure the title to such buildings and improvements erected on the premises, which by law constitute real property.

**FOR CONVEYANCING ONLY: TOGETHER** with all the right, title and interest of the party of the first part, of in and to the land lying in the street in front of and adjoining said premises.





*First American Title*

**Title No. 3008-353730NY1**

**SCHEDULE "B-I"**  
**(REQUIREMENTS)**

**THE FOLLOWING ARE REQUIREMENTS TO BE COMPLIED WITH FOR A TITLE POLICY TO ISSUE:**

1. The following Notice(s) of Sidewalk Violation(s) must be disposed of:

Filed: 5/10/2000  
Index No.: 76185  
Block: 862  
Lot: 20

2. Re: 160 Madison Avenue Owners Corporation, a New York corporation:

- (a) A copy of its Certificate of Incorporation and By-Laws and any amendments thereto must be submitted to this Company prior to closing.
- (b) Since the present transaction consists in whole or in part of a conveyance or lease by a corporate grantor or lessor, there must be compliance with Sections 615 and 909 of the Business Corporation Law.

The vote of shareholders holding two-thirds of the outstanding shares of the stock of the corporation entitled to be voted is required at a meeting duly called to approve the sale or lease of all or substantially all of the assets of a corporation not made in the usual course of business; provided, however, that a majority vote of the shares outstanding and entitled to be voted is required for a corporation formed after February 22, 1998 and for a corporation formed prior thereto, the certificates of incorporation of which provides for a majority vote.

Approval of such a sale or lease may be obtained without a meeting on the written consent of the holders of all outstanding shares entitled to be voted or, if the certificate of incorporation so permits, on the written consent of the holders of outstanding shares of no less than the minimum number of votes required by the certificate of incorporation to authorize an action at a meeting at which all shares entitled to vote were present and voted.

Proofs showing the authority upon which the conveyance or lease is to be made should be submitted to counsel for the Company in advance of closing. The instrument on closing should recite the authority for the conveyance or lease.

3. Searches, including judgments, federal tax liens and bankruptcies have been run against 160 Madison Avenue Owners Corporation, the certified owner(s) herein and the following must be disposed of:

Environmental Control Board Liens:

3 (See Post)

4. A copy of the Contract of Sale must be submitted for consideration prior to closing.

NOTE: When applicable, a copy of the Contract of Sale must be submitted with the New York City Real Property Transfer Tax Return (RPT) when the consideration is \$400,000.00 or more.



**SCHEDULE B-I Continued**  
**(REQUIREMENTS)**

5. If the proposed mortgagor is an entity, the Certificate (Articles) and Agreements relating to its formation and operation and any amendments thereto and proof of its good standing and authority to acquire or lease and mortgage under the laws of the state (country) of its formation must be furnished the Company in advance of the closing.
6. The name of the proposed mortgagor must be disclosed to the Company in advance of closing so that the appropriate bankruptcy and lien searches can be run.
7. Satisfactory proof by affidavit must be furnished stating whether any work has been performed at the premises described in Schedule A by the New York City Department of Rent and Housing Maintenance Emergency Services, the Department of Health, or the Department of Environmental Protection for water tap closings or related work, whether or not the charges therefore are presently liens.
8. Section 26-128 of the Administrative Code of the City of New York and Section 27-4029.1 of the Administrative Code of the City of New York, created tax liens for unpaid Inspection fees and permit fees, respectively, billed by the Building Department and the Fire Department, regardless of the fact that said fees may not be entered in the records of the Department of Finance. Policy excepts any loss, claim, or damage for any unpaid fee or charge claimed by the Building Department and the Fire Department for inspections performed or permits issued prior to the date of the closing but entered in the records of the Department of Finance after the date of closing.
9. FOR INFORMATION ONLY: The Policy contains an exclusion for "Defects, liens, encumbrances, adverse claims or other matters (d) attaching or created subsequent to Date of Policy". The Company conducts only a search in the New York City Department of Finance for entries pertaining to emergency response costs relative to hazardous substances which may thereafter become a lien pursuant to Administrative Code Section 24-605.
10. To verify at closing the identity of the persons who are executing closing documents, two forms of identification, at least one of which is to contain a photograph, is required to be presented.
11. Note: Payment at closing of any amount exceeding \$5,000.00 must be made by a bank or certified check, by a check issued from an attorney's escrow account, or by wired funds.
12. FOR INFORMATION ONLY:

RE: Real Property Tax Payments

NOTE: The recording of documents has been significantly delayed by many county recording offices in New York State. When real estate tax payments become due prior to the recording of a deed, the local tax assessor may not have sufficient information as to where tax bills are to be sent. Where this is an issue, it may be advisable to contact the office of your local tax assessor with a copy of the closing deed. First American is not responsible for the failure to receive real estate tax bills or for any additional charges that may result from the failure to timely pay such amounts. The prompt payment of real estate taxes is the responsibility of the property owner and its mortgage lender.

13. Note: Contact Counsel for the Company in advance of closing if a document is to be executed pursuant to a power of attorney.



*First American Title*

**Title No. 3008-353730NY1**

**SCHEDULE B-I Continued**  
**(REQUIREMENTS)**

14. Note: The New York City Register requires that certain forms submitted in connection with the transfer of real property in Bronx, Kings, New York and Queens counties be completed on the Internet using the Automated City Register Information System ("ACRIS"). This includes the City's Real Property Transfer Tax Return ("RPTT"), the New York State Real Estate Transfer Tax Return ("TP-584"), the New York State Real Property Transfer Report ("RP5217-NYC"), the Affidavit of Compliance with the Smoke Detector requirement, the Customer Registration Form for Water and Sewer Billing, and the Property Owner Registration Form. These forms, except for the Property Owner Registration Form, must be printed from ACRIS and submitted to the recording office with the closing instruments. Contact the counsel or clearance officer assigned to this title for further information.



*First American Title*

**Title No. 3008-353730NY1**

**SCHEDULE "B-II"**  
**(EXCEPTIONS)**

**THE POLICY WILL INCLUDE AS EXCEPTIONS TO TITLE THE FOLLOWING MATTERS UNLESS THEY ARE DISPOSED OF TO THE SATISFACTION OF THE COMPANY:**

1. Rights of tenants or persons in possession, if any.
2. Taxes, tax liens, tax sales, water rates, sewer rents and assessments set forth herein.
3. Any state of facts which a guaranteed survey of current date would disclose.
4. There (is) are one open mortgage(s) of record. (See Mortgage Schedule herein)
5. Covenants and Restrictions recited in a deed recorded 3/6/1850 in Liber 536 Cp 351 (see post) and as affirmed in Liber 762 Cp 507 and Liber 864 Cp 153. Policy insures that any violations thereof will not result in a forfeiture or reversion of title.
6. Covenants and Restrictions recited in a deed recorded 1/13/1855 in Liber 664 Cp 564 (see post) and as affirmed in Liber 864 Cp 153. Policy insures that any violations thereof will not result in a forfeiture or reversion of title.
7. The following Financing Statement(s) (UCC-1) must be disposed of:

Debtor:	160 Madison Avenue Owners Corp.
Secured Party:	Interinvest National Bank
File No.:	CRFN 2008000203407
Filed:	5/20/2008
Covers:	Fixture filing
Land (Block & Lot):	Block 862 Lot 20
8. Tax search discloses unofficial payment. Proof of payment by paid receipt or cancelled check must be submitted to the Company at or prior to closing.
9. FOR INFORMATION ONLY: The tax search indicates that current, actual water meter readings have not been entered and/or that there may have been minimum, average or estimated water meter readings. Policy does not insure against entries in the records in the office of the Department of Finance or the Department of Environmental Protection for water charges and sewer rents entered and billed subsequent to closing for periods prior to closing and interest thereon.

NOTE: A request for title (property transfer) reading should be made in advance of closing to the Department of Environmental Protection - Bureau of Customer and Conservation Services office in the Borough in which the property is located.



*First American Title*

**Title No. 3008-353730NY1**

**SURVEY READING**



*First American Title*

**Title No. 3008-353730NY1**

**MORTGAGE SCHEDULE**

**MORTGAGE**

**MORTGAGE, ASSIGNMENT OF LEASES AND RENTS, AND SECURITY AGREEMENT** made by 160 MADISON AVENUE OWNERS CORP. to INTERVEST NATIONAL BANK in the amount of \$1,700,000.00 dated 4/25/2008, recorded 5/13/2008 in (as) CRFN 2008000191310. (Mortgage Tax Paid: \$47,600.00)

**Mortgage above may be assigned and/or satisfied by:**

**INTERVEST NATIONAL BANK**

This title report does not show all the terms and provisions of the mortgage(s) set forth herein. Interested parties should contact the holder(s) thereof to ascertain the terms, covenants and conditions contained therein, and to determine if there are any unrecorded amendments or modifications thereto.



## **Privacy Information**

### **We Are Committed to Safeguarding Customer Information**

In order to better serve your needs now and in the future, we may ask you to provide us with certain information. We understand that you may be concerned about what we will do with such information - particularly any personal or financial information. We agree that you have a right to know how we will utilize the personal information you provide to us. Therefore, together with our subsidiaries we have adopted this Privacy Policy to govern the use and handling of your personal information.

### **Applicability**

This Privacy Policy governs our use of the information that you provide to us. It does not govern the manner in which we may use information we have obtained from any other source, such as information obtained from a public record or from another person or entity. First American has also adopted broader guidelines that govern our use of personal information regardless of its source. First American calls these guidelines its Fair Information Values.

### **Types of Information**

Depending upon which of our services you are utilizing, the types of nonpublic personal information that we may collect include:

- Information we receive from you on applications, forms and in other communications to us, whether in writing, in person, by telephone or any other means;
- Information about your transactions with us, our affiliated companies, or others; and
- Information we receive from a consumer reporting agency.

### **Use of Information**

We request information from you for our own legitimate business purposes and not for the benefit of any nonaffiliated party. Therefore, we will not release your information to nonaffiliated parties except: (1) as necessary for us to provide the product or service you have requested of us; or (2) as permitted by law. We may, however, store such information indefinitely, including the period after which any customer relationship has ceased. Such information may be used for any internal purpose, such as quality control efforts or customer analysis. We may also provide all of the types of nonpublic personal information listed above to one or more of our affiliated companies. Such affiliated companies include financial service providers, such as title insurers, property and casualty insurers, and trust and investment advisory companies, or companies involved in real estate services, such as appraisal companies, home warranty companies and escrow companies. Furthermore, we may also provide all the information we collect, as described above, to companies that perform marketing services on our behalf, on behalf of our affiliated companies or to other financial institutions with whom we or our affiliated companies have joint marketing agreements.

### **Former Customers**

Even if you are no longer our customer, our Privacy Policy will continue to apply to you.

### **Confidentiality and Security**

We will use our best efforts to ensure that no unauthorized parties have access to any of your information. We restrict access to nonpublic personal information about you to those individuals and entities who need to know that information to provide products or services to you. We will use our best efforts to train and oversee our employees and agents to ensure that your information will be handled responsibly and in accordance with this Privacy Policy and First American's Fair Information Values. We currently maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

### **Information Obtained Through Our Web Site**

First American Financial Corporation is sensitive to privacy issues on the Internet. We believe it is important you know how we treat the information about you we receive on the Internet.

In general, you can visit First American or its affiliates' Web sites on the World Wide Web without telling us who you are or revealing any information about yourself. Our Web servers collect the domain names, not the e-mail addresses, of visitors. This information is aggregated to measure the number of visits, average time spent on the site, pages viewed and similar information. First American uses this information to measure the use of our site and to develop ideas to improve the content of our site.

There are times, however, when we may need information from you, such as your name and email address. When information is needed, we will use our best efforts to let you know at the time of collection how we will use the personal information. Usually, the personal information we collect is used only by us to respond to your inquiry, process an order or allow you to access specific account/profile information. If you choose to share any personal information with us, we will only use it in accordance with the policies outlined above.

### **Business Relationships**

First American Financial Corporation's site and its affiliates' sites may contain links to other Web sites. While we try to link only to sites that share our high standards and respect for privacy, we are not responsible for the content or the privacy practices employed by other sites.

### **Cookies**

Some of First American's Web sites may make use of "cookie" technology to measure site activity and to customize information to your personal tastes. A cookie is an element of data that a Web site can send to your browser, which may then store the cookie on your hard drive.

[FirstAm.com](http://FirstAm.com) uses stored cookies. The goal of this technology is to better serve you when visiting our site, save you time when you are here and to provide you with a more meaningful and productive Web site experience.

### **Fair Information Values**

**Fairness** We consider consumer expectations about their privacy in all our businesses. We only offer products and services that assure a favorable balance between consumer benefits and consumer privacy.

**Public Record** We believe that an open public record creates significant value for society, enhances consumer choice and creates consumer opportunity. We actively support an open public record and emphasize its importance and contribution to our economy.

**Use** We believe we should behave responsibly when we use information about a consumer in our business. We will obey the laws governing the collection, use and dissemination of data.

**Accuracy** We will take reasonable steps to help assure the accuracy of the data we collect, use and disseminate. Where possible, we will take reasonable steps to correct inaccurate information. When, as with the public record, we cannot correct inaccurate information, we will take all reasonable steps to assist consumers in identifying the source of the erroneous data so that the consumer can secure the required corrections.

**Education** We endeavor to educate the users of our products and services, our employees and others in our industry about the importance of consumer privacy. We will instruct our employees on our fair information values and on the responsible collection and use of data. We will encourage others in our industry to collect and use information in a responsible manner.

**Security** We will maintain appropriate facilities and systems to protect against unauthorized access to and corruption of the data we maintain.

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

THIS INDENTURE, made the 1st day of December, 1983, nineteen hundred and eighty-three  
BETWEEN Henry Trainman Associates, Inc.,  
160 Madison Avenue  
New York, New York,

SO IN ORIGINAL

REF 875:1570

party of the first part, and 160 Madison Avenue Owners Corporation  
160 Madison Avenue  
New York, New York,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of ten dollars paid by the party of the second part, does hereby remise, release and quitclaim unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the borough of Manhattan, County of New York, City and State of New York, bounded and described as follows:

BEGINNING at a point on the Westerly side of Madison Avenue distant 73 feet 11 1/2 inches Northerly from the corner formed by the intersection of the Westerly side of Madison Avenue and the Northerly side of 32nd Street;

RUNNING THENCE Northerly along the Westerly side of Madison Avenue 24 feet 7 inches;

THENCE Westerly and part of the distance through a party wall 95 feet;

THENCE Southerly and parallel with ~~the corner of~~ Madison Avenue 24 feet 7 inches;

THENCE Easterly and parallel with ~~the corner of~~ 32nd Street and part of the distance through a party wall 95 feet to the Westerly side of Madison Avenue at the point or place of BEGINNING.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.  
The property described herein does not constitute all or substantially all of the assets of the corporation.

AND the party of the first part, in compliance with Section 13 of the Lien Law, hereby covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed this day and year first above written.

IN PRESENCE OF:

Henry Trainman Associates, Inc.

By Henry Trainman  
Henry Trainman, President

☆ SO IN ORIGINAL



STATE OF NEW YORK, COUNTY OF  
On the day of 19 , before me  
personally came

to me known to be the individual described in and who  
executed the foregoing instrument, and acknowledged that  
executed the same.

STATE OF NEW YORK, COUNTY OF  
On the day of 19 , before me  
personally came  
REEL 875pg 1571

to me known to be the individual described in and who  
executed the foregoing instrument, and acknowledged that  
executed the same.

STATE OF NEW YORK, COUNTY OF NEW YORK  
On the 1st day of March 1983, before me  
personally came Henry Trainan  
to me known, who, being by me duly sworn, did depose and  
say that he resides at No. 160 Middle Neck  
Road, Great Neck, New York,  
that he is the President  
of Henry Trainan Associates, Inc.

the corporation described  
in and which executed the foregoing instrument; that he  
knows the seal of said corporation; that the said officer  
to said instrument in such corporate and that it was so  
affirmed by order of the board of directors of said corpora-  
tion, and that he signed his name thereto by like order.

*[Signature]*  
MICHAEL IRWIN MELTZER  
Notary Public, State of New York  
No. 41437848  
Qualified in Queens County NY  
Commission Expires March 30, 1987

Outclaim Book

TITLE NO.

Henry Trainan Associates, Inc.

TO

160 Madison Avenue Owners Corporation



SECTION 3  
BLOCK 862  
LOT 20  
COUNTY QUEENSBORO New York

LOC. VER

Recorded At Request of  
RETURN BY MAIL TO:

REGALY MELTZER  
225 Broadway  
New York, New York 10007  
ATTN: Michael Irwin Meltzer

Zip No.

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

*Comp Title*

59

RECEIVED  
FEB 11 1983  
TRANSIT TAX  
NEW YORK  
COUNTY

OFFICE OF CITY REGISTER  
New York County

RECORDED

WITNESS BY HAND

and official seal

*[Signature]*

CITY REGISTER

R 1134

## ECBs as of 4/24/2011:

For 160 M

#	Respondant Name	Address	Order Date	Notice Date	Docket Date	Balance Due	Satisf/Vacat
1	160 MADISON AVE OWNERS CORP	160 MADISON AVE NEW YORK NY 10016 Violation Number: 034758419J	03/31/09	05/15/09	07/09	\$5,000.00	
2	160 MADISON AVE OWNER'S CORP	160 MADISON AVENUE NY NY 10016 Violation Number: 034829056P	04/12/10	05/27/10	07/10	\$1,000.00	
3	160 MADISON AVENUE OWNERS CORP	160 MADISON AVENUE NY NY 10016 Violation Number: 034829288Y	04/15/10	06/01/10	07/10	\$1,200.00	

**Title No. 3008-353730**

**ENCROACHMENT**

**Liber 536 Cp 351**

Dated: February 1, 1850

Recorded: March 6, 1850

..upon said sixteen lots of land belonging to them lying and fronting on the westerly side of Madison Avenue between Thirty Second Street and Thirty Fourth Street shall recede or be set back from the lines of said Madison Avenue as established by law five feet and that the fronts of all other buildings that may be erected or built on said lots shall recede or be set back no less than five feet from the said established lines of said Avenue and further that they will not permit or suffer the forty lots of land above mentioned or any part thereof to be used or occupied for or as a coal yard or any building that maybe erected or built on said lots or any part thereof to be used for a livery stable, slaughter house, butchers shop, meat shop, tallow chandlery, brewery, distillery, sugar bakery, smith shop, forge furnace, brass foundry, nail or other iron factory or for the making of starch, glue, varnish, vitriol, ink or turpentine or for the making or baking of any kind of earthen ware or for the tanning, dressing or preparing or storing of skins, hides or for the carrying on therein of any kind of manufactory trade or business whatever which may be in anywise noxious or offensive to the neighboring inhabitants.

**Title No. 3008-353730**

**COVENANTS AND RESTRICTIONS**

**Liber 664 Cp 564**

Dated: December 22, 1854

Recorded: January 13, 1855

... neither the said party of the second part nor his heirs or assigns shall or will at any time hereafter permit the said premises or any part thereof or any building which shall be erected thereon to be used for a livery stable, or stage or omnibus stable or slaughter house, butchers shop, meat shop, tallow chandlery, smith shop, forge furnace, steam engine, brass foundry, nail or other iron factory or any manufacturing of gun powder, gas, bone, glass, starch, glue, varnish, vitriol, ink or turpentine or for tanning, dressing, keeping or preparing skins, hides or leather or any brewery, distillery or for the making or baking of any kind of earthen ware or for the carrying thereon or therein any kind of trade manufacturing or business whatever which may be in any wise noxious or offensive to the neighboring inhabitants.

**MDS**

The unpaid taxes, water rates, assessments and other matters relating to taxes which are liens at the date of this certificate are set forth below.

CODE: FI-256

TITLE: 3008353730/A

DATE: 05/04/2011

CNTY: NEW YORK

COMPANY: FIRST AMERICAN TITLE INSURANCE CO,

SECT: 3

VOL: 6

TAX MAP ATTACHED

BLOCK: 862

LOT: 20

TAX

CLASS: 4 RATE: 10.312

2011/2012 TENTATIVE

BLDG

TRANSITIONAL LAND..... \$495,000.00

CLASS: L8

TRANSITIONAL TOTAL..... \$777,150.00

LOFT BUILDINGS WITH  
RETAIL STORES (OTHER  
THAN TYPE L1)

EXEMPT LAND..... NONE

EXEMPT TOTAL..... NONE

ACTUAL LAND..... \$495,000.00

ACTUAL TOTAL..... \$960,750.00

ACTUAL EXEMPT LAND.....

ACTUAL EXEMPT TOTAL..... NONE

EXEMPTIONS: NONE

NO EXEMPTIONS

ASSESSED OWNER: 160 MADISON AVE OWNER

160 MADISON AVENUE

Taxes 2010 /2011 1ST HALF Due Date 07/01/2010		REAL ESTATE	
Transaction Date		Charges/Adjustments	Payments/Adjustments
06/11/2010	INITIAL CHARGE	\$37,299.00	\$ .00
07/21/2010	BILL PAYMENT	\$ .00	\$37,299.00
Amount Due:		\$0.00	

Taxes 2010 /2011 2ND HALF Due Date 01/01/2011		REAL ESTATE	
Transaction Date		Charges/Adjustments	Payments/Adjustments
06/11/2010	INITIAL CHARGE	\$37,299.00	\$ .00
11/19/2010	TAX RATE DECREASE FOR REAL ESTATE REPLACEMENT BILL	-\$815.66	\$ .00
12/11/2010	BILL PAYMENT	\$ .00	\$36,483.34
Amount Due:		\$0.00	

DEPT OF BUILDINGS-ELEV CHARGE Due Date 04/01/2011			
Transaction Date		Charges/Adjustments	Payments/Adjustments
01/21/2011	INITIAL CHARGE	\$100.00	\$ .00
* 03/16/2011	BILL PAYMENT	\$ .00	\$100.00
Amount Due:		\$0.00	

\* ALL PAYMENTS SUBSEQUENT TO 02/03/2011 ARE SUBJECT TO COLLECTION.

D.E.P. ACCOUNT #7000117672001

NOTE: SECOND HALF TAXES SUBJECT TO CHANGE DUE TO TAX RATE ADJUSTMENT. RESPONSIBILITY LIMITED TO THOSE ITEMS AND INSTALLMENTS THAT ARE LIENS AS OF DATE OF THIS REPORT AND REFLECT ON THE PUBLIC RECORDS. TAX SEARCH DOES NOT COVER ANY PART OF THE STREETS ON WHICH THE PREMISES TO BE INSURED ABUT. RECENT PAYMENTS MAY BE SUBJECT TO COLLECTION. TAX EXEMPTIONS NOTED ABOVE MAYBE RESTORED ON THE DATE OF CONVEYANCE OR UPON DEATH OF RECORD OWNER. TAX SEARCH DOES NOT GUARANTEE AGAINST ANY CLAIMS RESULTING FROM LIEVES OF RESTORED TAXES. ACCURATE WATER METER READING REQUIRED FOR THOSE REPORTED AS MINIMUM, ACTUAL, ESTIMATED AND MULTIPLE READINGS TO AVOID ADDITIONAL CHARGES. TAX SEARCH DOES NOT GUARANTEE AGAINST NEW METERS OR UNFIXED FRONTAGE CHARGES NOT ON RECORD IN THE DEPARTMENT OF ENVIRONMENTAL PROTECTION. THE RETURNS ARE GUARANTEED TO BLOCK AND LOT.

\* PLEASE REQUEST THE SELLER OR BORROWER TO HAVE RECEIPTED BILLS AT THE CLOSING \*

2805759

9510246

# MDS

The unpaid taxes, water rates, assessments and other matters relating to taxes which are liens at the date of this certificate are set forth below.

CODE: FI-256

TITLE: 3008353730/A

DATE: 05/04/2011

CNTY: NEW YORK

COMPANY: FIRST AMERICAN TITLE INSURANCE CO,

SECT: 3

VOL: 6

BLOCK: 862

LOT: 20

METER #9967

11/23/2010 TO 02/23/2011

ENTERED 03/04/2011

PAID

\$1,925.41

03/23/2011

ACTUAL

FIRE METER #7526 - SET 10/28/1983

## PAYMENT INFORMATION

-----  
NYC WATER BOARD (DEP)

P.O. BOX 410

NEW YORK, NY 10008

PHONE: 718-595-7000

NYC DEPARTMENT OF FINANCE (DOF)

P.O. BOX 32

NEW YORK, NY 10008

PHONE 212-504-4080

NOTE: A SPECIAL METER READING SHOULD BE OBTAINED ON ALL ACCOUNTS TO AVOID ADDITIONAL CHARGES.

SUBJECT TO CONTINUATION PRIOR TO CLOSING.

NOTHING ELSE FOUND 05/04/2011

MUNICIPAL DATA SERVICES SHALL BEAR NO LIABILITY FOR ERRONEOUS OR INACCURATE INFORMATION PROVIDED BY THE DEPARTMENT OF FINANCE INCLUDING BUT NOT LIMITED TO ERRORS DUE TO LOADING, KEY ENTRY, PROCESSING, DATA COMMUNICATION, HARDWARE AND SOFTWARE PROBLEMS OR THE BACKDATING OF ANY INFORMATION.

NOTE: SECOND HALF TAXES SUBJECT TO CHANGE DUE TO TAX RATE ADJUSTMENT. RESPONSIBILITY LIMITED TO THOSE ITEMS AND INSTALLMENTS THAT ARE LIENS AS OF DATE OF THIS REPORT AND REFLECT ON THE PUBLIC RECORDS. TAX SEARCH DOES NOT COVER ANY PART OF THE STREETS ON WHICH THE PREMISES TO BE INSURED ABUT. RECENT PAYMENTS MAY BE SUBJECT TO COLLECTION. TAX EXEMPTIONS NOTED ABOVE MAYBE RESTORED ON THE DATE OF CONVEYANCE OR UPON DEATH OF RECORD OWNER. TAX SEARCH DOES NOT GUARANTEE AGAINST ANY CLAIMS RESULTING FROM LEVIES OF RESTORED TAXES. ACCURATE WATER METER READING REQUIRED FOR THOSE REPORTED AS MINIMUM, ACTUAL, ESTIMATED AND MULTIPLE READINGS TO AVOID ADDITIONAL CHARGES. TAX SEARCH DOES NOT GUARANTEE AGAINST NEW METERS OR UNFIXED FRONTAGE CHARGES NOT ON RECORD IN THE DEPARTMENT OF ENVIRONMENTAL PROTECTION. THE RETURNS ARE GUARANTEED TO BLOCK AND LOT.

\* PLEASE REQUEST THE SELLER OR BORROWER TO HAVE RECEIPTED BILLS AT THE CLOSING \*

2805759

9510246





*First American Title*

*First American Title Insurance Company*

**3008-353730NY1**

**NOTICE**

RE: OPTIONAL MARKET VALUE POLICY RIDER NOW AVAILABLE:

NOTE: THE FOLLOWING IS ONLY APPLICABLE TO THE PURCHASE OF A ONE TO FOUR FAMILY DWELLING OR A RESIDENTIAL CONDOMINIUM OR COOPERATIVE UNIT. THE PURCHASER MUST BE A NATURAL PERSON AND MUST RESIDE AT THE PROPERTY WHICH MUST BE USED PREDOMINANTLY FOR RESIDENTIAL PURPOSES.

Section 6409, Subdivision "C" of the Insurance Law requires that title companies offer at or prior to closing an optional policy rider to cover the homeowner for the future market value of his or her home.

A. I choose to accept the Market Value Policy Rider.

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Owner

B. I do not wish to accept the Market Value Policy Rider for future increased market value and elect to waive the offer for such additional coverage.

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Owner

C. TO BE COMPLETED BY COMPANY CLOSER:

The Optional Market Value Policy Rider is not applicable to this transaction.

Reason:

- ☐ Commercial Property
- ☐ Vacant Land
- ☐ Multiple Dwelling (consisting of 5 families or more)
- ☐ Purchaser is not a natural person (e.g. corporation, partnership, trust, etc.)
- ☐ Purchasers will not reside at dwelling

By: \_\_\_\_\_  
Company Closer



## **THE FOLLOWING MAY APPLY TO THE TRANSACTION TO BE INSURED**

The identification, including photograph (i.e. N.Y.S. Driver's License, U.S. Passport, etc.), of a; parties (whether present or not) executing any documents (deeds, mortgages, powers of attorney, etc.) must be presented at closing.

Any mortgage(s) taken for recording after August 1, 1987 must contain the following recital or in lieu thereof, a signed statement attached to such mortgage.

"The real property principally improved or to be improved by one or more structures containing in the aggregate not more than six residential dwelling units, each dwelling unit having its own separate cooking facilities."

Note 1: The \$10,000 mortgage exemption clause, (i.e., "The real property is improved or will be improved by a one or two family dwelling or residence") if applicable, and if recited in the mortgage will comply with the above requirement.

Note 2: A form of the statement to be attached to the mortgage in lieu of such recital in the mortgage is attached.

Compliance with Articles 31 and 31-B of Tax Law, as amended, and Tax Law Section 253 on transfers subject to credit line mortgages.

- a. Compliance with section 11-2101, et.seq. of the Administrative Code of the City of New York. (New York City Real Property Transfer Tax - NYCRIPTT)
- b. Multiple Dwelling Registration Card or Affidavit In Lieu of Registration Statement.

For Assignment of Mortgages:

In order to comply with the amendments to Section 275 of the Real Property Law imposed by Chapter 241 of the laws of 1989, "There must be set forth in the assignment document or attached thereto and recorded as part thereof, a statement under oath signed by the mortgagor or any other party to the transaction having knowledge of the facts (provided such other party asserts such knowledge), that the assignee is not acting as a nominee of the mortgagor and that the mortgage continues to secure a bona fide obligation".

This requirement is not applicable to sales of mortgages by lenders on the "secondary market", in which case such assignments shall contain the statement: "This assignment is not subject to the requirements of Section 275 of the Real property law because it is an assignment within the secondary mortgage market."

(continued)

**THE FOLLOWING MAY APPLY TO THE TRANSACTION TO BE INSURED**

(continued)

NOTE: Smoke Detecting Device Requirement for New York City:

The Conveyance of a one or two family dwelling will not be accepted for the filing unless accompanied by an affidavit signed by both the grantor and grantee indicating that the premises is equipped with an approved and operational smoke detecting device as provided in Article 6 of subchapter 17 of Chapter 1 of Title 27 of the Code (Section 27-981). See Affidavit attached.

**STATEMENT ATTACHED TO MORTGAGE**

MORTGAGOR(S): \_\_\_\_\_

MORTGAGEE(S): \_\_\_\_\_

PREMISES: \_\_\_\_\_

**CHECK THE APPROPRIATE BOX**

- ☐ The attached mortgage covers real property principally improved or to be improved by one or more structures containing in the aggregate not more than six residential dwelling units, each having their own separate cooking facilities.
- ☐ The attached mortgage does not cover real property improved as described above.

DATED: \_\_\_\_\_

# PRIVACY NOTICE

## We Are Committed to Safeguarding Customer Information

In order to better serve your needs now and in the future, we may ask you to provide us with certain information. We understand that you may be concerned about what we will do with such information – particularly any personal or financial information. We agree that you have a right to know how we will utilize the personal information you provide to us. Therefore, together with our parent company, The First American Corporation, we have adopted this Privacy Policy to govern the use and handling of your personal information.

## Applicability

This Privacy Policy governs our use of the information which you provide to us. It does not govern the manner in which we may use information we have obtained from any other source, such as information obtained from a public record or from another person or entity. First American has also adopted broader guidelines that govern our use of personal information regardless of its source. First American calls these guidelines its *Fair Information Values*, a copy of which can be found on our website at [www.firstam.com](http://www.firstam.com).

## Types of Information

Depending upon which of our services you are utilizing, the types of nonpublic personal information that we may collect include:

- Information we receive from you on applications, forms and in other communications to us, whether in writing, in person, by telephone or any other means;
- Information about your transactions with us, our affiliated companies, or others; and
- Information we receive from a consumer reporting agency.

## Use of Information

We request information from you for our own legitimate business purposes and not for the benefit of any nonaffiliated party. Therefore, we will not release your information to nonaffiliated parties except: (1) as necessary for us to provide the product or service you have requested of us; or (2) as permitted by law. We may, however, store such information indefinitely, including the period after which any customer relationship has ceased. Such information may be used for any internal purpose, such as quality control efforts or customer analysis. We may also provide all of the types of nonpublic personal information listed above to one or more of our affiliated companies. Such affiliated companies include financial service providers, such as title insurers, property and casualty insurers, and trust and investment advisory companies, or companies involved in real estate services, such as appraisal companies, home warranty companies, and escrow companies. Furthermore, we may also provide all the information we collect, as described above, to companies that perform marketing services on our behalf, on behalf of our affiliated companies, or to other financial institutions with whom we or our affiliated companies have joint marketing agreements.

## Former Customers

Even if you are no longer our customer, our Privacy Policy will continue to apply to you.

## Confidentiality and Security

We will use our best efforts to ensure that no unauthorized parties have access to any of your information. We restrict access to nonpublic personal information about you to those individuals and entities who need to know that information to provide products or services to you. We will use our best efforts to train and oversee our employees and agents to ensure that your information will be handled responsibly and in accordance with this Privacy Policy and First American's *Fair Information Values*. We currently maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

# § 1031 TAX-DEFERRED EXCHANGES



## IN CASE YOU'VE FORGOTTEN, THIS IS A SUNSET.

*If your 1031 Exchange is taking up all your time, maybe you should let us light the way.*

If words like sun, sand, and relaxation seem vaguely familiar to you these days, we can help. With First American Exchange Corporation servicing all of your 1031 Exchange needs, you'll have time for the things you'd rather be doing.

Our industry-leading services include:

- The financial strength of being wholly owned by the First American Corporation (NYSE:FAF), a FORTUNE 300® company
- Nationwide locations, providing a local touch with national strength and the ability to service multistate exchanges
- On-staff professionals with the experience to handle any type of exchange

*Call us to have all your questions answered.*

**S.H Spencer Compton, Esq.**  
212.850-0647  
exchangeny@firstam.com



**First American  
Exchange Corporation**

800.437.1234 ▼ [www.firstamny.com](http://www.firstamny.com)



*First American Title*

First American Title Insurance Company  
633 Third Avenue, 16th Floor  
New York, New York 10017  
Phone: (212)922-9700  
Fax: (212)922-0881

**ALTA REQUEST FORM**  
**----- ATTENTION ATTORNEY -----**

We issue ALTA Policies (FEE and/or MORTGAGE POLICIES) at the Closing. The following form must be FAXED (or called in verbally) AT LEAST 24 hours in advance of the closing. We cannot guarantee ALTA POLICIES will be provided at the closing unless this procedure is followed:

**ATTENTION: Closing Department - Phone: (212) 922-9700 Fax: (212) 922-0881**

**E-mail: [nyclosings@firstam.com](mailto:nyclosings@firstam.com)**

TITLE NUMBER: 3008-353730NY1

DATE CLOSING: \_\_\_\_\_

PLACE: \_\_\_\_\_

TIME: \_\_\_\_\_

YOUR NAME: \_\_\_\_\_

YOUR FIRM /  
COMPANY: \_\_\_\_\_

YOUR PHONE: \_\_\_\_\_

FULL NAME OF THE PURCHASER(S) AS IT SHOULD APPEAR IN THE FEE POLICY:

\_\_\_\_\_

AMOUNT TO BE INSURED, FEE/PURCHASE AMOUNT: \$\_\_\_\_\_

FULL NAME OF THE LENDER AS IT SHOULD APPEAR ON THE LOAN/MORTGAGE POLICY:

\_\_\_\_\_

AMOUNT TO BE INSURED, TOTAL LOAN/MORTGAGE AMOUNT: \$\_\_\_\_\_

IF A REFINANCE, WILL PRIOR LOANS BE PAID OFF? (CHECK ONE ONLY): YES \_\_\_\_\_ NO \_\_\_\_\_

IF CONSOLIDATION, WHAT IS THE AMOUNT OF THE CURRENT UNPAID PRINCIPAL BALANCE OF CURRENT LOAN?  
\$ \_\_\_\_\_

WHAT IS THE AMOUNT OF NEW MONEY? \$\_\_\_\_\_

ENDORSEMENTS YOU WILL NEED, PLEASE CHECK ALL THAT APPLIES:

NEW YORK: \_\_\_\_\_ REVOLVING CREDIT: \_\_\_\_\_ ENVIRONMENTAL LIEN (8.1): \_\_\_\_\_ WAIVER: \_\_\_\_\_  
PUD/CONDO: \_\_\_\_\_ VARIABLE: \_\_\_\_\_ RESIDENTIAL: \_\_\_\_\_



*First American Title*

**First American Title Insurance Company**  
**633 Third Avenue, 16th Floor**  
**New York, New York 10017**  
**Phone: (212)922-9700**  
**Fax: (212)922-0881**

5/12/2011

Fried Frank Harris Shriver &, Jacobson LLP  
1 New York Plaza, 22nd floor  
New York, NY 10004  
Attn: Tal J. Golomb, Esq.  
Reference #:

**RE:** Title No.: 3008-353730NY1  
Premises: 160 Madison Avenue  
New York, NY  
Record Owner: 160 Madison Avenue Owners  
Corporation  
Purchaser(s): LLC to be Formed

Dear Mr. Golomb,

As you requested, enclosed please find the following municipal searches:

Certificate of Occupancy  
Emergency Repairs  
Fire Search  
Housing and Building  
Street Report

Any searches or returns reported herein are furnished FOR INFORMATION ONLY. The Company assumes no liability for these searches or for the accuracy thereof. They are not part of the aforementioned title report and, therefore, will not be continued to the date of closing.

Very truly yours,

Matthew Cahill  
Counsel

MC/slp



30 BAY STREET STATEN ISLAND, NY 10301  
PHONE (718) 815-0707 FAX (718) 815-9101

CLIENT: FI-256    TITLE#: 3008353730/A    05/05/2011  
160 MADISON AVENUE  
MANHATTAN  
BLOCK : 862    LOT : 20

**CERTIFICATE OF OCCUPANCY SEARCH**

*Note: This search performed subsequent to September 11, 2001  
and Dept. of Buildings limited access regulations apply.*

*Attached find a copy of Certificate of Occupancy # 27411  
issued on 3/4/1941 FOR A SEVEN STORY FIREPROOF BUILDING;  
STORE, FACTORY, SHOWROOMS AND OFFICES.*

**NOTE: THERE ARE ADDITIONAL JOBS/FILINGS SHOWN ON THE N.Y.C.  
BUILDING INFORMATION SYSTEM THAT DO NOT REQUIRE  
A CERTIFICATE OF OCCUPANCY.**

*Municipal Data Services Inc. certifies that the records of the above municipal  
agency were examined on behalf of FIRST AMERICAN TITLE INSURANCE CO. The information  
reported above is a true and accurate abstract of the information on file therein.  
This report is submitted for information purposes only. No liability is assumed.*



## DEPARTMENT OF HOUSING AND BUILDINGS

BOROUGH OF MANHATTAN

, CITY OF NEW YORK EVC

No. 27411

Date March 4, 1941

## CERTIFICATE OF OCCUPANCY

(Standard form adopted by the Board of Standards and Appeals and issued pursuant to Section 646 of the New York Charter, and Sections C.26-181.0 to C.26-187.0 inclusive Administrative Code 2.1.3.1 to 2.1.3.7. Building Code.)

This certificate supersedes C. O. No. 4571

To the owner or owners of the building ~~or premises~~

THIS CERTIFIES that the ~~new~~ altered ~~existing~~ building ~~premises~~ located at  
160 Madison Avenue  
24'7" front

Block 862 Lot 20

, conforms substantially to the approved plans and specifications, and to the requirements of the building code and all other laws and ordinances, and of the rules and regulations of the Board of Standards and Appeals, applicable to a building of its class and kind at the time the permit was issued; and

CERTIFIES FURTHER that, any provisions of Section 646F of the New York Charter have been complied with as certified by a report of the Fire Commissioner to the Borough Superintendent.

~~312-22~~ Alt. No.— 538-1940

Construction classification—fireproof

Occupancy classification—factory

Height 7 stories, 75 feet

Date of completion—August 15, 1940

Located in restricted retail Use District

B Area 2

Height Zone at time of issuance of permit

2965-1940

This certificate is issued subject to the limitations hereinafter specified and to the following resolutions of the Board of Standards and Appeals:

(Calendar numbers to be inserted here)

## PERMISSIBLE USE AND OCCUPANCY

STORY	LIVE LOADS Lbs. per Sq. Ft.	PERSONS ACCOMMODATED			USE
		MALE	FEMALE	TOTAL	
Cellar					Printing shop and boiler
1st Story	120			25	Store
Mezzanine	120			15	Store
2nd Story	120			25	} Offices, showrooms and Factory
3rd "	120			25	
4th "	120			25	
5th "	120			25	
6th "	120			25	
7th "	120			25	

Note: Not more than 25% of floor area to be used for wholesale manufacturing for the 2nd to 7th stories.

Note: Not more than 25% of the floor area to be used for incidental manufacturing on cellar and 1st floor.

Fire alarm system approved by Fire Department November 15, 1940.



30 BAY STREET STATEN ISLAND, NY 10301  
PHONE (718) 815-0707 FAX (718) 815-9101

## EMERGENCY REPAIRS

Client: FI-256

Date: 05/05/2011

Title No: 3008353730/A

County: MANHATTAN

Premises: 160 MADISON AVENUE

---

THIS SECTION FOR OFFICE USE ONLY

The search of the last printed lien book reveals the following emergency repair money due :  
02/25/2011

Date: \_\_\_\_\_

- 0 -

Amount: \_\_\_\_\_

---

The result of the work-in-progress search reveals that:

☒ No other Emergency Repairs have been given out at the above-captioned premises subsequent to the above lien date

☐ The following Emergency Repairs have been given out at the above-captioned premises and are not posted in the last printed lien book:

Date of P.O.	P.O.#	Description

Municipal Data Services Inc. certifies that the records of the above municipal agency were examined on behalf of FIRST AMERICAN TITLE INSURANCE CO. The information reported above is a true and accurate abstract of the information on file therein. This report is submitted for information purposes only. No liability is assumed.

2805759

9510755



FIRE DEPARTMENT OF THE CITY OF NEW YORK  
BUREAU OF FIRE PREVENTION  
9 METROTECH CENTER  
BROOKLYN, N.Y. 11201

RECORD SEARCH REQUEST

TITLE: FI-256 3008353730/A

Block: 862

The undersigned request the following information re: Premises

160 MADISON AVENUE

MANHATTAN

☒ Record of existing Fire Department Violations

Signed: MUNICIPAL DATA SERVICES  
Date: 05/04/2011

(THE CITY OF NEW YORK IS NOT BEING SUED, NOR IS THERE ANY INTENTION TO SUE THE CITY OF NEW YORK)  
DO NOT WRITE BELOW THIS LINE

Gentlemen:

In reply to your request concerning the premises mentioned above, please be advised

that as of 9 A.M. 04/19/2011 the records show the following:

NO VIOLATIONS

VIOLATIONS RECORDED ABOVE ARE ONLY THOSE WHICH ARE A MATTER OF RECORD IN HEADQUARTERS OF THE DIVISION OF FIRE PREVENTION AND MAY NOT INCLUDE VIOLATIONS ISSUED BY LOCAL UNITS.

Municipal Data Services Inc. certifies that the records of the above municipal agency were examined on behalf of FIRST AMERICAN TITLE INSURANCE CO. The information reported above is a true and accurate abstract of the information on file therein. This report is submitted for information purposes only. No liability is assumed.

2805759

9510756



30 BAY STREET STATEN ISLAND, NY 10301  
PHONE (718) 815-0707 FAX (718) 815-9101

Date 05/05/2011

Client FI-256

Title No. 3008353730/A

**HOUSING AND BUILDING DEPARTMENT SEARCH**

**PREMISES:** 160 MADISON AVENUE

MANHATTAN

A search of the records of the Department of Buildings, and the Rent and Housing Maintenance Department of the city of New York was made on 05/04/2011. The following violations were reported pending:

**BUILDING DEPARTMENT:**

- (5) E.C.B. VIOLATIONS ATTACHED
- (9) VIOLATIONS - (SEE ATTACHED LETTER).

**RENT AND HOUSING MAINTENANCE DEPARTMENT:**

NONE

**BUILDING CLASSIFICATION:**

- ☐ Multiple Dwelling
- ☒ Not a Multiple Dwelling

Due to HPD's No Access Policy, this search may not contain Private Dwelling Housing Violations prior to January, 2000.

\*Note: Copies of violations (if any) to follow.

MUNICIPAL DATA SERVICES, INC. DOES HEREBY CERTIFY THAT THE RECORDS OF THE ABOVE MUNICIPAL AGENCIES WERE EXAMINED AND THAT THE INFORMATION REPORTED ABOVE IS A TRUE AND ACCURATE ABSTRACT OF THE INFORMATION CONTAINED THEREIN. MUNICIPAL DATA SERVICES, INC. IS SUBMITTING THIS REPORT FOR INFORMATION PURPOSES ONLY. NO LIABILITY IS ASSUMED. THIS SEARCH DOES NOT INCLUDE OTHER AGENCIES' VIOLATIONS.

2805759

9510757



☒ [CLICK HERE TO SIGN UP FOR BUILDINGS NEWS](#)

## NYC Department of Buildings

### ECB Violation Details

Premises: 160 MADISON AVENUE MANHATTAN

Filed At: 160 MADISON AVENUE , MANHATTAN , NY 10016

BIN: 1017014 Block: 862 Lot: 20

Community Board: 105

### ECB Violation Summary

**VIOLATION OPEN**

**ECB Violation Number: 34720771P**

Severity: CLASS - 2

Certification Status: NO COMPLIANCE RECORDED

Hearing Status: IN VIOLATION

Penalty Balance Due: \$0.00

### Respondent Information

Name: MARKATOS SPIRO

Mailing Address: 18-54 42 STREET , ASTORIA , NY 11105

License/Registration/Tracking Number: R6064

### Violation Details

Violation Date: 11/12/2008

Violation Type: CRANES & DERRICKS

Served Date: 11/12/2008

Inspection Unit: SCAFFOLD SAFETY TEAM

#### Infraction Codes

#### Section of Law

#### Standard Description

261

BC 3314.1.1 & 27-1050.1

FAILED TO NOTIFY DEPARTMENT/OBTAIN PERMIT PRIOR TO USE/INST. OFF C-HOO K/OUTRIGGER BEAMS IN CONNECTION WITH SUSPENDED SCAFFOLD

#### Specific Violation Condition(s) and Remedy:

NO OUTRIGGER BEAM NOTIFICATION FAILED TO NOTIFY DEPT PRIOR TO USE/INSTALLATION OF OUTRIGGER BEAMS REMEDY: CALL FOR NOTIFICATION/ COMPLY W/ CODE

Issuing Inspector ID: 2354

DOB Violation Number: 111208CSSU0801

Issued as Aggravated Level:

NO

### Dept. of Buildings Compliance Information

Certification Status: NO COMPLIANCE RECORDED

Compliance On:

Certification Submission Date: 01/04/2010

A Certificate of Correction must be submitted to the Administrative Enforcement Unit (AEU) for all violations. A violation that is not dismissed by ECB will continue to remain ACTIVE or "open" on DOB records until acceptable proof is submitted to the AEU, even if you have paid the penalty imposed by ECB.

### ECB Hearing Information

Scheduled Hearing Date: 09/25/2009

Hearing Status: IN VIOLATION

Hearing Time: 8:30

### ECB Penalty Information

Penalty Imposed: \$800.00

Adjustments: \$0.00

Amount Paid: \$800.00



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## NYC Department of Buildings

### ECB Violation Details

Premises: 160 MADISON AVENUE MANHATTAN

Filed At: 160 MADISON AVENUE , MANHATTAN , NY 10016

BIN: 1017014 Block: 862 Lot: 20

Community Board: 105

### ECB Violation Summary

**VIOLATION OPEN**

**ECB Violation Number: 34709035J**

Severity: CLASS - 2

Certification Status: NO COMPLIANCE RECORDED

Hearing Status: STIPULATION/IN-VIO

Penalty Balance Due: \$0.00

### Respondent Information

Name: 160 MADISON AC OWNER CORP

Mailing Address: 160 MADISON AVENUE , NY , NY 10016

### Violation Details

Violation Date: 09/11/2008

Violation Type: CONSTRUCTION

Served Date: 09/11/2008

Inspection Unit: MANHATTAN CONSTRUCTION

#### Infraction Codes

204

#### Section of Law

28-302.1

#### Standard Description

FAILURE TO MAINTAIN BLDG WALL(S) OR APPURTENANCES

#### Specific Violation Condition(s) and Remedy:

FAILURE TO MAINTAIN BUILDING WALLS OR APPURTENANCES DEFECT NOTED BLDG HAVING AT REAR EXP#3  
DETERIORATED CONCRETE SCABS OF BALCONIES ON 1 2 4 5 6 7 FLS CRACKED SAGGING SLAB OF 6TH 2ND FL  
BALCONY & RUSTED BALCONIE

Issuing Inspector ID: 2224

DOB Violation Number: 091108C05KP01

Issued as Aggravated  
Level:

NO

### Dept. of Buildings Compliance Information

Certification Status: NO COMPLIANCE RECORDED

Compliance On:

Stipulated Compliance Due Date:

01/15/2009

A Certificate of Correction must be submitted to the Administrative Enforcement Unit (AEU) for all violations. A violation that is not dismissed by ECB will continue to remain ACTIVE or "open" on DOB records until acceptable proof is submitted to the AEU, even if you have paid the penalty imposed by ECB.

### ECB Hearing Information

Scheduled Hearing Date: 10/30/2008

Hearing Status: STIPULATION/IN-VIO

Hearing Time: 8:30

### ECB Penalty Information

Penalty Imposed: \$500.00

Adjustments: \$0.00

Amount Paid: \$500.00

Penalty Balance Due: \$0.00



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#### NYC Department of Buildings

#### ECB Violation Details

Premises: 160 MADISON AVENUE MANHATTAN

Filed At: 160 MADISON AVENUE , MANHATTAN , NY 10016

BIN: 1017014 Block: 862 Lot: 20

Community Board: 105

#### ECB Violation Summary

**VIOLATION OPEN**

**ECB Violation Number: 34709036L**

Severity: CLASS - 2

Certification Status: NO COMPLIANCE RECORDED

Hearing Status: STIPULATION/IN-VIO

Penalty Balance Due: \$0.00

#### Respondent Information

Name: 160 MADISON AV OWNER CORP

Mailing Address: 160 MADISON AVENUE , NY , NY 10016

#### Violation Details

Violation Date: 09/11/2008

Violation Type:

Served Date: 09/11/2008

Inspection Unit: MANHATTAN CONSTRUCTION

Infraction Codes	Section of Law	Standard Description
201	28-105.1	WORK WITHOUT A PERMIT

#### Specific Violation Condition(s) and Remedy:

WORK W/O A PERMIT WORK NOTED BLDG HAVING FOR 6FL COMMERCIAL SPACE AT REAR EXP#3 OUTSIDE OF BALCONY INSTALLED A/C COMPRESSOR BRACED INTO BALCONY MEMBER AND REAR EXTERIOR WALL W/O FIRST OBTAINING PERMIT REMEDY: O

Issuing Inspector ID: 2224

DOB Violation Number: 091108C05KP02

Issued as Aggravated Level: NO

#### Dept. of Buildings Compliance Information

Certification Status: NO COMPLIANCE RECORDED

Compliance On:

Stipulated Compliance Due Date: 01/15/2009

A Certificate of Correction must be submitted to the Administrative Enforcement Unit (AEU) for all violations. A violation that is not dismissed by ECB will continue to remain ACTIVE or "open" on DOB records until acceptable proof is submitted to the AEU, even if you have paid the penalty imposed by ECB.

#### ECB Hearing Information

Scheduled Hearing Date: 10/30/2008

Hearing Status: STIPULATION/IN-VIO

Hearing Time: 8:30

#### ECB Penalty Information

Penalty Imposed: \$800.00

Adjustments: \$0.00

Amount Paid: \$800.00

Penalty Balance Due: \$0.00



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## NYC Department of Buildings

### ECB Violation Details

Premises: 160 MADISON AVENUE MANHATTAN

Filed At: 160 MADISON AVENUE , MANHATTAN , NY 10016

BIN: 1017014 Block: 862 Lot: 20

Community Board: 105

### ECB Violation Summary

**VIOLATION OPEN**

**ECB Violation Number: 36006359H**

Severity: CLASS - 2

Certification Status: NO COMPLIANCE RECORDED

Hearing Status: IN VIOLATION

Penalty Balance Due: \$0.00

### Respondent Information

Name: 160 MADISON AVE OWNERS CO

Mailing Address: 160 MADISON AVENUE , NY , NY 10016

### Violation Details

Violation Date: 11/28/2008

Violation Type: CONSTRUCTION

Served Date: 02/25/2009

Inspection Unit: LOCAL LAW 11/98

#### Infraction Codes

#### Section of Law

#### Standard Description

230

28-302.4

FAILURE TO SUBMIT A REQUIRED REPORT OF CRITICAL EXAMINATION DOCUMENTIN CONDITION OF EXTERIOR WALL AND APPURTENANCES

#### Specific Violation Condition(s) and Remedy:

FAILURE TO SUBMIT AN ACCEPTABLE SIXTH ROUND TECHNICAL REPORT IN COMPLIANCE W/CODE PROVISIONS:PERIODIC INSPECTION OF EXTERIOR WALLS AND APPURTENANCES AS REQUIRED BY ARTICLE 28.302 & THE DOB RULES & REGULATIONS

Issuing Inspector ID: 9KDX

DOB Violation Number: 112808NRF

Issued as Aggravated Level:

NO

### Dept. of Buildings Compliance Information

Certification Status: NO COMPLIANCE RECORDED

Compliance On:

A Certificate of Correction must be submitted to the Administrative Enforcement Unit (AEU) for all violations. A violation that is not dismissed by ECB will continue to remain ACTIVE or "open" on DOB records until acceptable proof is submitted to the AEU, even if you have paid the penalty imposed by ECB.

### ECB Hearing Information

Scheduled Hearing Date: 12/10/2009

Hearing Status: IN VIOLATION

Hearing Time: 8:30

### ECB Penalty Information

Penalty Imposed: \$800.00

Adjustments: \$0.00

Amount Paid: \$800.00

Penalty Balance Due: \$0.00





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NYC Department of Buildings

ECB Violation Details

Premises: 160 MADISON AVENUE MANHATTAN

Filed At: 160 MADISON AVENUE , MANHATTAN , NY 10016

BIN: 1017014 Block: 862 Lot: 20

Community Board: 105

ECB Violation Summary

**VIOLATION OPEN**

**ECB Violation Number: 34758419J**

Severity: CLASS - 1

Certification Status: NO COMPLIANCE RECORDED

Hearing Status: DEFAULT

Penalty Balance Due: \$5,000.00

Respondent Information

Name: 160 MADISON AVE OWNERS CO

Mailing Address: 160 MADISON AVE , NEW YORK , NY 100165412

Violation Details

Violation Date: 02/02/2009

Violation Type: CONSTRUCTION

Served Date: 02/02/2009

Inspection Unit: MANHATTAN CONSTRUCTION

Infraction Codes

Section of Law

Standard Description

104

28-302.1

FAILURE TO MAINTAIN BLDG WALL(S) OR APPURTENANCES

Specific Violation Condition(s) and Remedy:

FAILURE TO MAINTAIN BUILDING WALL(S) OR APPURTENANCES. BLDG HAVING DETERIORATED, RUSTED, BALCONIES THROUGH OUT FLOORS WITH MISSING, COLLAPSED CONCRETE DECKING ON TO 4TH FL BALCONY. LOCATION- REAR OF BLDG EXP 3

Issuing Inspector ID: 2224

DOB Violation Number: 020209C05KP01

Issued as Aggravated Level:

NO

Dept. of Buildings Compliance Information

Certification Status: NO COMPLIANCE RECORDED

Compliance On:

A Certificate of Correction must be submitted to the Administrative Enforcement Unit (AEU) for all violations. A violation that is not dismissed by ECB will continue to remain ACTIVE or "open" on DOB records until acceptable proof is submitted to the AEU, even if you have paid the penalty imposed by ECB.

ECB Hearing Information

Scheduled Hearing Date: 03/26/2009

Hearing Status: DEFAULT

Hearing Time: 8:30

ECB Penalty Information

Penalty Imposed: \$5,000.00

Adjustments: \$0.00

Amount Paid: \$0.00

Penalty Balance Due: \$5,000.00

Court Docket Date: 07/31/2009

[illegible]



**WE HAVE BEEN INFORMED BY DEPARTMENT OF BUILDINGS PERSONNEL THAT THERE IS A DELAY IN GETTING COPIES OF THE FOLLOWING ELEVATOR VIOLATIONS. AT YOUR REQUEST WE WILL ORDER A COPY OF THE VIOLATION**

[illegible]

[illegible]

NYC DEPARTMENT OF BUILDINGS  
LOCAL LAW UNIT  
280 BROADWAY  
NEW YORK, NEW YORK 10007

YOU ARE HEREBY NOTIFIED THAT THERE EXISTS A VIOLATION AT THE SUBJECT PREMISES AS DESCRIBED BELOW. YOU ARE HEREBY DIRECTED TO REMOVE THIS VIOLATION. ALL INQUIRIES AND REFERENCE TO THIS VIOLATION SHOULD BE DIRECTED TO THE VIOLATION SECTION.

SECTION VIOLATED: C26-105.3 OF ADMIN. CODE 27-129

DESCRIPTION OF VIOLATION: FAILURE TO SUBMIT A WRITTEN REPORT AS TO THE RESULTS OF A CRITICAL EXAMINATION OF THE EXTERIOR WALLS AND APPURTENANCES THEREOF AS REQUIRED BY LOCAL LAW 10 OF 1980 AND LOCAL LAW 11 OF 1998.

**TO AVOID A CRIMINAL COURT SUMMONS AND FURTHER LATE FILING FEES IMMEDIATELY  
CONTACT THE LOCAL LAW ENFORCEMENT UNIT AT (212) 566-5120.**

VIOLATION NUMBER(S):

[illegible]



30 BAY STREET STATEN ISLAND, NY 10301  
PHONE (718) 815-0707 FAX (718) 815-9101

05/05/2011

FI-256 3008353730/A

Block: 862 Lot(s): 20

160 MADISON AVENUE

MANHATTAN

STREET REPORT  
=====

A search of the Topographical Department shows the following results:

Street width: MADISON AVENUE MAPPED AT 45' LEGALLY  
OPEN 12/1844  
TO THE FULL WIDTH.

Cross streets: EAST 32 STREET MAPPED AT 34' LEGALLY  
OPEN 05/1826  
TO THE FULL WIDTH.  
EAST 33 STREET MAPPED AT 34' LEGALLY  
OPEN 09/1839  
TO THE FULL WIDTH.

Yours Truly,

MUNICIPAL DATA SERVICES INC.

Municipal Data Services Inc. certifies that the records of the above municipal agency were examined on behalf of FIRST AMERICAN TITLE INSURANCE CO. The information reported above is a true and accurate abstract of the information on file therein. This report is submitted for information purposes only. No liability is assumed.

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