



**Department of  
Environmental  
Conservation**

**BROWNFIELD CLEANUP PROGRAM (BCP)  
APPLICATION TO AMEND BROWNFIELD  
CLEANUP AGREEMENT AND AMENDMENT**

**Please refer to the attached instructions for guidance on completing this application.**

Submission of a full BCP application will be required should this application be determined to be a major amendment. If the amendment seeks to add or subtract more than an insignificant acreage of property to the BCA, applicants are encouraged to consult with the DEC project team prior to submitting this application.

**PART I. BROWNFIELD CLEANUP AGREEMENT AMENDMENT APPLICATION**

1. Check the appropriate box(es) below based on the nature of the amendment modification(s) requested:

<input type="checkbox"/>	Amendment to modify the existing BCA (check one or more boxes below):
	<input type="checkbox"/> Add applicant(s) <input type="checkbox"/> Substitute applicant(s) <input type="checkbox"/> Remove applicant(s) <input type="checkbox"/> Change in name of applicant(s)
<input checked="" type="checkbox"/>	Amendment to reflect a transfer of title to all or part of the brownfield site:
	a. A copy of the recorded deed must be provided. Is this attached?      Yes <input checked="" type="radio"/> No <input type="radio"/> b. <input checked="" type="checkbox"/> Change in ownership <input type="checkbox"/> Additional owner (such as a beneficial owner) c. Pursuant to 6 NYCRR Part 375-1.11(d), a Change of Use form should have been submitted prior to a transfer of ownership. If this has not yet been submitted, include the form with this application. Is this form attached?      Yes <input checked="" type="radio"/> No <input type="radio"/> Submitted on: _____
<input type="checkbox"/>	Amendment to modify description of the property(ies) listed in the existing BCA
<input type="checkbox"/>	Amendment to expand or reduce property boundaries of the property(ies) listed in the existing BCA
<input type="checkbox"/>	Sites in Bronx, Kings, New York, Queens or Richmond Counties ONLY: amendment to request determination that the site is eligible for tangible property credit component of the brownfield redevelopment tax credit.
<input type="checkbox"/>	Other (explain in detail below)

2. REQUIRED: Please provide a brief narrative describing the specific requests included in this amendment:

This amendment seeks to identify and confirm, formally, the current Applicant/Volunteer ("Volunteer") as owner of the Site.

The Volunteer signed the BCA on or about June 2, 2021. At that time, the Volunteer was a contract vendee, and title was vested in Fortress New York Holdings, Inc. ("Fortress"). On September 20, 2021, title transferred from Fortress to the Volunteer. Apparently, through an oversight, the parties did not submit either a Change of Use form or a BCA Amendment relating to the change in title. The Department-approved RIR (dated January 20, 2022) and RAWP (dated March , 2022), however, correctly identify Volunteer as current owner of the Site (RIR Appendix A ["Redevelopment Plan," at pdf p.184 et seq., and RAWP Sections 7.1.3.1 and 7.1.3.2).

<b>SECTION I: CURRENT AGREEMENT INFORMATION</b>	
<i>This section must be completed in full. Attach additional pages as necessary.</i>	
BCP SITE NAME: Former FO Pierce Company	BCP SITE CODE: C241251
NAME OF CURRENT APPLICANT(S): 50th & 5th LIC LLC	
INDEX NUMBER OF AGREEMENT: C241251-05-21	DATE OF ORIGINAL AGREEMENT: 06/04/2021

<b>SECTION II: NEW REQUESTOR INFORMATION</b>				
<i>Complete this section only if adding new requestor(s) or the name of an existing requestor has changed.</i>				
NAME:				
ADDRESS:				
CITY/TOWN:			ZIP CODE:	
PHONE:	EMAIL:			
REQUESTOR CONTACT:				
ADDRESS:				
CITY/TOWN:			ZIP CODE:	
PHONE:	EMAIL:			
REQUESTOR'S CONSULTANT:	CONTACT:			
ADDRESS:				
CITY/TOWN:			ZIP CODE:	
PHONE:	EMAIL:			
REQUESTOR'S ATTORNEY:	CONTACT:			
ADDRESS:				
CITY/TOWN:			ZIP CODE:	
PHONE:	EMAIL:			
			<b>Y</b>	<b>N</b>
1. Is the requestor authorized to conduct business in New York State?			<input type="radio"/>	<input type="radio"/>
2. If the requestor is a corporation, LLC, LLP, or other entity requiring authorization from the NYS Department of State (NYSDOS) to conduct business in NYS, the requestor's name must appear exactly as given above in the NYSDOS Corporation & Business Entity Database. A print-out of entity information from the NYSDOS database must be submitted with this application. Is this print-out attached?			<input type="radio"/>	<input type="radio"/>
3. Requestor must submit proof that the party signing this application and amendment has the authority to bind the requestor. This would be documentation showing the authority to bind the requestor in the form of corporate organizational papers, a Corporate Resolution or an Operating Agreement or Resolution for an LLC. Is this proof attached?			<input type="radio"/>	<input type="radio"/>
4. If the requestor is an LLC, the names of the members/owners must be provided. Is this information attached?			N/A <input type="radio"/>	<input type="radio"/>
5. Describe the new requestor's relationship to all existing applicants:				

**SECTION III: CURRENT PROPERTY OWNER/OPERATOR INFORMATION**

Complete this section only if a transfer of ownership has taken place. Attach additional pages if necessary.

Owner listed below is: <input checked="" type="checkbox"/> Existing Applicant		<input type="checkbox"/> New Applicant	<input type="checkbox"/> Non-Applicant
OWNER'S NAME: 50th & 5th LIC LLC		CONTACT: Chris Papamichael	
ADDRESS: c/o Domain Companies, 120 Broadway, Suite 1340			
CITY/TOWN: New York, NY		ZIP CODE: 10271	
PHONE:(212) 991-0001	EMAIL: cpapamichael@thedomaincos.com		
OPERATOR:		CONTACT:	
ADDRESS:			
CITY/TOWN:		ZIP CODE:	
PHONE:	EMAIL:		

**SECTION IV: NEW REQUESTOR ELIGIBILITY INFORMATION**

Complete this section only if adding new requestor(s). Attach additional pages if necessary.

If answering "yes" to any of the following questions, please provide additional information as an attachment. Please refer to ECL § 27-1407 for details.

	Y	N
1. Are any enforcement actions pending against the requestor regarding this site?	<input type="radio"/>	<input type="radio"/>
2. Is the requestor presently subject to an existing order for the investigation, removal or remediation relating to contamination at the site?	<input type="radio"/>	<input type="radio"/>
3. Is the requestor subject to an outstanding claim by the Spill Fund for the site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.	<input type="radio"/>	<input type="radio"/>
4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of (i) any provision of the subject law; (ii) any order or determination; (iii) any regulation implementing ECL Article 27 Title 14; or (iv) any similar statute or regulation of the state or federal government? If so, provide additional information as an attachment.	<input type="radio"/>	<input type="radio"/>
5. Has the requestor previously been denied entry to the BCP? If so, include information relative to the application, such as site name, address, DEC site number, reason for denial, and any other relevant information.	<input type="radio"/>	<input type="radio"/>
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving the handling, storing, treating, disposing or transporting or contaminants?	<input type="radio"/>	<input type="radio"/>
7. Has the requestor been convicted of a criminal offense (i) involving the handling, storing, treating, disposing or transporting of contaminants; or (ii) that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration (as that term is used in Article 195 of the Penal Law) under federal law or the laws of any state?	<input type="radio"/>	<input type="radio"/>
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of the Department, or submitted a false statement or made use of or made a false statement in connection with any document or application submitted to the Department?	<input type="radio"/>	<input type="radio"/>

SECTION IV: NEW REQUESTOR ELIGIBILITY INFORMATION (continued)		Y	N	
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9(f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application?		<input type="radio"/>	<input type="radio"/>	
10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order?		<input type="radio"/>	<input type="radio"/>	
11. Are there any unregistered bulk storage tanks on-site which require registration?		<input type="radio"/>	<input type="radio"/>	
12. THE NEW REQUESTOR MUST CERTIFY THAT IT IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL § 27-1405(1) BY CHECKING ONE OF THE BOXES BELOW:				
<input type="checkbox"/> <b>PARTICIPANT</b> A requestor who either (1) was the owner of the site at the time of the disposal of contamination or (2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of contamination.	<input type="checkbox"/> <b>VOLUNTEER</b> A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of a hazardous waste or discharge of petroleum.  NOTE: By checking this box, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site certifies that they have exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: (i) stop any continuing discharge; (ii) prevent any threatened future release; (iii) prevent or limit human, environmental or natural resource exposure to any previously released hazardous waste.  <b>If a requestor's liability arises solely as a result of ownership, operation of or involvement with the site, they must submit a statement describing why they should be considered a volunteer – be specific as to the appropriate care taken.</b>			
13. If the requestor is a volunteer, is a statement describing why the requestor should be considered a volunteer attached?		N/A <input type="radio"/>	Y <input type="radio"/>	N <input type="radio"/>
14. Requestor's relationship to the property (check all that apply): <input type="checkbox"/> Prior Owner <input type="checkbox"/> Current Owner <input type="checkbox"/> Potential/Future Purchaser <input type="checkbox"/> Other: _____				
15. If the requestor is not the current site owner, proof of site access sufficient to complete the remediation must be submitted. Proof must show that the requestor will have access to the property before being added to the BCA and throughout the BCP project, including the ability to place an easement on the site. Is this proof attached?		N/A <input type="radio"/>	Y <input type="radio"/>	N <input type="radio"/>

**SECTION V: PROPERTY DESCRIPTION AND REQUESTED CHANGES**

*Complete this section only if property is being added to or removed from the site, a lot merger or other change to site SBL(s) has occurred, or if modifying the site address for any reason.*

1. Property information on current agreement (as modified by any previous amendments, if applicable):

ADDRESS:

CITY/TOWN

ZIP CODE:

CURRENT PROPERTY INFORMATION

TOTAL ACREAGE OF CURRENT SITE:

PARCEL ADDRESS

SECTION

BLOCK

LOT

ACREAGE


2. Requested change (check appropriate boxes below):

a. Addition of property (may require additional citizen participation depending on the nature of the expansion – see instructions)

PARCELS ADDED:

PARCEL ADDRESS

SECTION

BLOCK

LOT

ACREAGE


TOTAL ACREAGE TO BE ADDED: \_\_\_\_\_

b. Reduction of property

PARCELS REMOVED:

PARCEL ADDRESS

SECTION

BLOCK

LOT

ACREAGE


TOTAL ACREAGE TO BE REMOVED: \_\_\_\_\_

c. Change to SBL (e.g., lot merge, subdivision, address change)

NEW PROPERTY INFORMATION:

PARCEL ADDRESS

SECTION

BLOCK

LOT

ACREAGE


3. TOTAL REVISED SITE ACREAGE: \_\_\_\_\_

4. For all changes requested in this section, documentation must be provided. Required attachments are listed in the application instructions. Is the required documentation attached?

Y	N
<input type="radio"/>	<input type="radio"/>

**APPLICATION TO AMEND BROWNFIELD CLEANUP AGREEMENT AND AMENDMENT SUPPLEMENT  
QUESTIONS FOR SITE SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY**

*Complete this section only if the site is located within the five counties comprising New York City and the requestor is seeking a determination of eligibility for tangible property credits. Provide supporting documentation as required. Refer to the application instructions for additional information.*

	Y	N
1. Is the site located in Bronx, Kings, New York, Queens or Richmond County?	<input type="radio"/>	<input type="radio"/>
2. Is the requestor seeking a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit?	<input type="radio"/>	<input type="radio"/>
3. Is at least 50% of the site area located within an environmental zone pursuant to Tax Law 21(6)? Please see DEC's website for more information.	<input type="radio"/>	<input type="radio"/>
4. Is the property upside down as defined below?	<input type="radio"/>	<input type="radio"/>
<p><b>From ECL 27-1405(31):</b></p> <p>"Upside down" shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.</p>		
5. Is the project and affordable housing project as defined below?	<input type="radio"/>	<input type="radio"/>
<p><b>From 6 NYCRR 375-3.2(a) as of August 12, 2016:</b></p> <p>(a) "Affordable housing project" means, for purposes of this part, title fourteen of article twenty-seven of the environmental conservation law and section twenty-one of the tax law only, a project that is developed for residential use or mixed residential use that must include affordable residential rental units and/or affordable home ownership units.</p> <p>(1) Affordable residential rental projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, which defines (i) a percentage of the residential rental units in the affordable housing project to be dedicated to (ii) tenants at a defined maximum percentage of the area median income based on the occupants' household's annual gross income.</p> <p>(2) Affordable home ownership projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, which sets affordable units aside for homeowners at a defined maximum percentage of the area median income.</p> <p>(3) "Area median income" means, for purposes of this subdivision, the area median income for the primary metropolitan statistical area, or for the county if located outside a metropolitan statistical area, as determined by the United States Department of Housing and Urban Development, or its successor, for a family of four, as adjusted for family size.</p>		

APPLICATION SUPPLEMENT FOR NYC SITES (continued)	Y	N
<p>6. Is the project a planned renewable energy facility site as defined below?</p> <p><b>From ECL 27-1405(33) as of April 9, 2022:</b></p> <p>“Renewable energy facility site” shall mean real property (a) this is used for a renewable energy system, as defined in section sixty-six-p of the public service law; or (b) any co-located system storing energy generated from such a renewable energy system prior to delivering it to the bulk transmission, sub-transmission, or distribution system.</p> <p><b>From Public Service Law Article 4 Section 66-p as of April 23, 2021:</b></p> <p>(b) "renewable energy systems" means systems that generate electricity or thermal energy through use of the following technologies: solar thermal, photovoltaics, on land and offshore wind, hydroelectric, geothermal electric, geothermal ground source heat, tidal energy, wave energy, ocean thermal, and fuel cells which do not utilize a fossil fuel resource in the process of generating electricity.</p>	<input type="radio"/>	<input type="radio"/>
<p>7. Is the site located within a disadvantaged community, within a designated Brownfield Opportunity Area, and meets the conformance determinations pursuant to subdivision ten of section nine-hundred-seventy-r of the general municipal law?</p> <p><b>From ECL 75-0111 as of April 9, 2022:</b></p> <p>(5) "Disadvantaged communities" means communities that bear the burdens of negative public health effects, environmental pollution, impacts of climate change, and possess certain socioeconomic criteria, or comprise high-concentrations of low- and moderate-income households, as identified pursuant to section 75-0111 of this article.</p>	<input type="radio"/>	<input type="radio"/>

PART II. BROWNFIELD CLEANUP PROGRAM AMENDMENT	
EXISTING AGREEMENT INFORMATION	
BCP SITE NAME: Former FO Pierce Company	BCP SITE CODE: C241251
NAME OF CURRENT APPLICANT(S): 50th & 5th LIC LLC	
INDEX NUMBER OF AGREEMENT: C241251-05-21	DATE OF ORIGINAL AGREEMENT: 06/04/2021

**Declaration of Amendment:**

By the requestor(s) and/or applicant(s) signature(s) below, and subsequent signature by the Department, the above application to amend the Brownfield Cleanup Agreement described above is hereby approved. This Amendment is made in accordance with and subject to all of the BCA and all applicable guidance, regulations and state laws applicable thereto. All other substantive and procedural terms of the Agreement will remain unchanged and in full force and effect regarding the parties to the Agreement.

Nothing contained herein constitutes a waiver by the Department or the State of New York of any rights held in accordance with the Agreement or any applicable state and/or federal law or a release for any party from obligations held under the Agreement or those same laws.

**STATEMENT OF CERTIFICATION AND SIGNATURES: NEW REQUESTOR**

*Complete the appropriate section (individual or entity) below only if this Amendment adds a new requestor. Attach additional pages as needed.*

**(Individual)**

I hereby affirm that the information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

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

Print Name: \_\_\_\_\_

**(Entity)**

I hereby affirm that I am \_\_\_\_\_ (title) of \_\_\_\_\_ (entity); that I am authorized by that entity to make this application; that this application was prepared by me or under my supervision and direction; and that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

\_\_\_\_\_ signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

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

Print Name: \_\_\_\_\_



**STATEMENT OF CERTIFICATION AND SIGNATURES: EXISTING APPLICANT(S)**

An authorized representative of each applicant must complete and sign the appropriate section (individual or entity) below. Attach additional pages as needed.

(Individual)

I hereby affirm that I am a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

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

Print Name: \_\_\_\_\_

(Entity)

I hereby affirm that I am an Authorized Signatory (title) of 50th & 5th LIC LLC (entity) which is a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. My \_\_\_\_\_ signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 12-18-2023 Signature: \_\_\_\_\_

Print Name: Stephen Ohnemus

**PLEASE SEE THE FOLLOWING PAGE FOR SUBMITTAL INSTRUCTIONS**

**REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT**

Status of Agreement:

<input type="checkbox"/> <b>PARTICIPANT</b> A requestor who either (1) was the owner of the site at the time of the disposal of contamination or (2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of contamination.	<input checked="" type="checkbox"/> <b>VOLUNTEER</b> A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the contamination.
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Effective Date of the Original Agreement: 06/04/2021

Signature by the Department:

DATED: 12-18-2023

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

By:

*David Harrington*

David Harrington, Assistant Director  
Division of Environmental Remediation

## BARGAIN AND SALE DEED

THIS INDENTURE, made the 20th day of September, 2021, by FORTRESS NEW YORK HOLDINGS, INC., a Delaware corporation, having an address of 99 Boston Street Boston, Massachusetts 02125 (“**Grantor**”), in favor of 50<sup>th</sup> and 5<sup>th</sup> LIC LLC, a New York limited liability company, having an office at 11 Park Place, Suite 1705, New York 10007 (“**Grantee**”).

WITNESSETH, that Grantor, in consideration of Ten Dollars (\$10), lawful money of the United States, and other valuable consideration paid by Grantee to Grantor, does hereby grant and release unto Grantee, the heirs or successors and assigns of Grantee forever,

ALL that certain plot, piece or parcel of land (the “**Land**”) with the building and improvements thereon erected, situate, lying and being in Long Island City, County of Queens, City and State of New York, as more particularly described on Schedule A attached hereto and made a part hereof (the “**Property**”);

BEING AND INTENDED TO BE the same premises conveyed in the deed to Grantor, dated June 7, 1996, and recorded on June 18, 1996, in Reel 4362, Page 2376 in the Office of the New York City Register, Queens County;

TOGETHER WITH all right, title and interest, if any, of Grantor in and to any strips and gores adjacent to the Land and any land lying in the bed of any street, road, or avenue, opened or proposed, public or private, in front of or adjoining the Property, to the center line thereof, and all right, title and interest, if any, of Grantor in and to any award made or to be made in lieu thereof and in and to any unpaid award for damage to the Property by change of grade of any street;

TOGETHER WITH the appurtenances and all the estate and rights of Grantor in and to the Property;

TO HAVE AND TO HOLD the Property herein granted unto Grantee, the heirs or successors and assigns of Grantee, forever.

AND Grantor, in compliance with Section 13 of the Lien Law, covenants that Grantor 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 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.

SAID Property now being known as and by the street number 2-33 50<sup>th</sup> Avenue (a/k/a 49-20 Fifth Street), Long Island City, Queens, New York (Block 17, Lot 1).

IN WITNESS WHEREOF, Grantor and Grantee have duly executed and delivered this deed as of the day and year first above written.



IN WITNESS WHEREOF, Grantor and Grantee have duly executed and delivered this deed as of the day and year first above written.


**GRANTOR:**

FORTRESS NEW YORK HOLDINGS,  
INC., a Delaware corporation

By: \_\_\_\_\_  
Name: Ladd M. Thorne  
Title: President

**GRANTEE:**

50<sup>th</sup> and 5<sup>th</sup> LIC LLC, a New York limited liability company

By:  \_\_\_\_\_  
Name: Matthew Schwartz  
Title: Authorized Signatory

STATE OF MASSACHUSETTS )  
 )  
COUNTY OF SUFFOLK )

:ss.

On the \_\_\_\_ day of \_\_\_\_\_ in the year 2021, before me, the undersigned, a notary public in and for said State, personally appeared Ladd M. Thorne, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person on behalf of which the individual acted, executed the instrument.

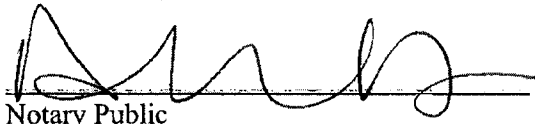
\_\_\_\_\_  
Notary Public

STATE OF LOUISIANA )

PARISH )  
COUNTY OF ORLEANS )

:SS.

On the 20<sup>th</sup> day of September in the year 2021, before me, the undersigned, a notary public in and for said State, personally appeared Matthew Schwartz, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person on behalf of which the individual acted, executed the instrument.

  
Notary Public



**DEBORAH DAIGLE DAVIS**  
**NOTARY PUBLIC**  
State of Louisiana, Bar Roll # 26009  
My Commission is for life.

## SCHEDULE A

ALL that certain plot, piece or parcel of land, situate, lying and being in the first ward, Borough and County of Queens, City and State of New York, bounded and described as follows:

BEGINNING at the corner formed by the intersection of the northerly line of Fiftieth Avenue (formerly known as Fourth Street), with the westerly line of Fifth Street (formerly known as West Avenue);

RUNNING THENCE northerly along the westerly line of Fifth Street, 200 feet to the southerly line of Forty-Ninth Avenue (formerly known as Fifth Street);

THENCE westerly along the southerly line of Forty-Ninth Avenue, 400 feet;

THENCE southerly and parallel with Fifth Street, 200 feet to the northerly line of Fiftieth Avenue;

THENCE easterly and along the northerly line of Fiftieth Avenue, 75 feet;

THENCE northerly and again parallel with Fifth Street, 100 feet;

THENCE easterly and parallel with the southerly line of Forty-Ninth Avenue, 40 feet;

THENCE southerly and parallel with Fifth Street, 100 feet to the northerly line of Fiftieth Avenue;

THENCE easterly along the northerly line of Fiftieth Avenue, 285 feet to the westerly line of Fifth Street, at the point or place of BEGINNING.



The City of New York  
Department of Environmental Protection  
Bureau of Customer Services  
59-17 Junction Boulevard  
Flushing, NY 11373-5108

## Customer Registration Form for Water and Sewer Billing

### Property and Owner Information:

- (1) Property receiving service: BOROUGH: QUEENS BLOCK: 17 LOT: 1
- (2) Property Address: 2-33 50TH AVENUE, QUEENS, NY 11101
- (3) Owner's Name: 50TH & 5TH LIC LLC
- Additional Name:

### Affirmation:

- Your water & sewer bills will be sent to the property address shown above.

### Customer Billing Information:

#### Please Note:

- A. Water and sewer charges are the legal responsibility of the owner of a property receiving water and/or sewer service. The owner's responsibility to pay such charges is not affected by any lease, license or other arrangement, or any assignment of responsibility for payment of such charges. Water and sewer charges constitute a lien on the property until paid. In addition to legal action against the owner, a failure to pay such charges when due may result in foreclosure of the lien by the City of New York, the property being placed in a lien sale by the City or Service Termination.
- B. Original bills for water and/or sewer service will be mailed to the owner, at the property address or to an alternate mailing address. DEP will provide a duplicate copy of bills to one other party (such as a managing agent), however, any failure or delay by DEP in providing duplicate copies of bills shall in no way relieve the owner from his/her liability to pay all outstanding water and sewer charges. Contact DEP at (718) 595-7000 during business hours or visit [www.nyc.gov/dep](http://www.nyc.gov/dep) to provide us with the other party's information.

### Owner's Approval:

The undersigned certifies that he/she/it is the owner of the property receiving service referenced above; that he/she/it has read and understands Paragraphs A & B under the section captioned "Customer Billing Information"; and that the information supplied by the undersigned on this form is true and complete to the best of his/her/its knowledge.

Print Name of Owner:

Signature: 

Name and Title of Person Signing for Owner, if applicable:

Date (mm/dd/yyyy)

# REAL PROPERTY TRANSFER TAX RETURN

(Pursuant to Title 11, Chapter 21, NYC Administrative Code)

▲ DO NOT WRITE IN THIS SPACE ▲  
 FOR OFFICE USE ONLY

GRANTOR	
● Name <b>FORTRESS NEW YORK HOLDINGS, INC.</b>	
● Grantor is a(n): <input type="checkbox"/> individual <input type="checkbox"/> partnership <input checked="" type="checkbox"/> corporation (check one) <input type="checkbox"/> single member LLC <input type="checkbox"/> multiple member LLC (see instructions) <input type="checkbox"/> other _____	Telephone Number
● Permanent mailing address after transfer (number and street) <b>99 BOSON STREET</b>	
● City and State <b>BOSTON, MA</b>	Zip Code <b>02125</b>
● Single member's name if grantor is a single member LLC	

SOCIAL SECURITY NUMBER		
OR		
EMPLOYER IDENTIFICATION NUMBER		
0 4	3 4 7 5 8 3 1	
SINGLE MEMBER EIN OR SSN		

GRANTEE	
● Name <b>50TH &amp; 5TH LIC LLC</b>	
● Grantee is a(n): <input type="checkbox"/> individual <input type="checkbox"/> partnership <input type="checkbox"/> corporation (check one) <input type="checkbox"/> single member LLC <input checked="" type="checkbox"/> multiple member LLC (see instructions) <input type="checkbox"/> other _____	Telephone Number
● Permanent mailing address after transfer (number and street) <b>11 PARK PLACE SUITE 1705</b>	
● City and State <b>NEW YORK, NY</b>	Zip Code <b>10007</b>
● Single member's name if grantee is a single member LLC	

SOCIAL SECURITY NUMBER		
OR		
EMPLOYER IDENTIFICATION NUMBER		
8 5	2 8 3 2 8 2 7	
SINGLE MEMBER EIN OR SSN		

PROPERTY LOCATION								
LIST EACH LOT SEPARATELY. ATTACH A RIDER IF ADDITIONAL SPACE IS REQUIRED								
Address (number and street)	Apt. No.	Borough	Block	Lot	# of Floors	Square Feet	Assessed Value of Property	
2-33 50TH AVENUE		QUEENS	17	1	2	95,750	3,799,800.00	
● DATE OF TRANSFER TO GRANTEE: <u>9/20/2021</u> ● PERCENTAGE OF INTEREST TRANSFERRED: <u>100</u> %								

CONDITION OF TRANSFER. See Instructions	
● Check (✓) all of the conditions that apply and fill out the appropriate schedules of this return. Additionally, Schedules 1 and 2 must be completed for all transfers.	
a. <input checked="" type="checkbox"/> Arms length transfer b. <input type="checkbox"/> Transfer in exercise of option to purchase c. <input type="checkbox"/> Transfer from cooperative sponsor to cooperative corporation d. <input type="checkbox"/> Transfer by referee or receiver (complete Schedule A) e. <input type="checkbox"/> Transfer pursuant to marital settlement agreement or divorce decree (complete Schedule I) f. <input type="checkbox"/> Deed in lieu of foreclosure (complete Schedule C) g. <input type="checkbox"/> Transfer pursuant to liquidation of an entity (complete Schedule D) h. <input type="checkbox"/> Transfer from principal to agent, dummy, strawman or conduit or vice-versa (complete Schedule E) i. <input type="checkbox"/> Transfer pursuant to trust agreement or will (attach a copy of trust agreement or will) j. <input type="checkbox"/> Gift transfer not subject to indebtedness k. <input type="checkbox"/> Gift transfer subject to indebtedness l. <input type="checkbox"/> Transfer to a business entity in exchange for an interest in the business entity (complete Schedule F) m. <input type="checkbox"/> Transfer to a governmental body n. <input type="checkbox"/> Correction deed	o. <input type="checkbox"/> Transfer by or to a tax exempt organization (complete Schedule G) p. <input type="checkbox"/> Transfer of property partly within and partly without NYC q. <input type="checkbox"/> Transfer of successful bid pursuant to foreclosure r. <input type="checkbox"/> Transfer by borrower solely as security for a debt or a transfer by lender solely to return such security s. <input type="checkbox"/> Transfer wholly or partly exempt as a mere change of identity or form of ownership. Complete Schedule M) t. <input type="checkbox"/> Transfer to a REIT or to a corporation or partnership controlled by a REIT. (Complete Schedule R) u. <input type="checkbox"/> Other transfer in connection with financing (describe): _____ v. <input type="checkbox"/> A grant or assignment of a leasehold interest in a tax-free NY area w. <input type="checkbox"/> Transfer to an HDFC or an entity controlled by an HDFC. (Complete Schedule L) x. _____ Reserved y. _____ Reserved z. <input type="checkbox"/> Other (describe)



● TYPE OF PROPERTY (✓)	● TYPE OF INTEREST (✓)																				
a. <input type="checkbox"/> ..... 1-3 family house b. <input type="checkbox"/> ..... Individual residential condominium unit c. <input type="checkbox"/> ..... Individual cooperative apartment d. <input type="checkbox"/> ..... Commercial condominium unit e. <input type="checkbox"/> ..... Commercial cooperative f. <input type="checkbox"/> ..... 4 family dwelling g. <input type="checkbox"/> ..... Apartment building h. <input type="checkbox"/> ..... Office building i. <input type="checkbox"/> ..... Industrial building j. <input type="checkbox"/> ..... Utility k. <input checked="" type="checkbox"/> ..... OTHER (describe): <u>COMMERCIAL REAL ESTATE</u>	Check box at LEFT if you intend to record a document related to this transfer. Check box at RIGHT if you do not intend to record a document related to this transfer. <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:50%;">REC.</th> <th style="width:50%;">NON REC.</th> </tr> </thead> <tbody> <tr> <td>a. <input checked="" type="checkbox"/> ..... Fee.....</td> <td><input type="checkbox"/></td> </tr> <tr> <td>b. <input type="checkbox"/> ..... Leasehold Grant .....</td> <td><input type="checkbox"/></td> </tr> <tr> <td>c. <input type="checkbox"/> ..... Leasehold Assignment or Surrender .....</td> <td><input type="checkbox"/></td> </tr> <tr> <td>d. <input type="checkbox"/> ..... Easement .....</td> <td><input type="checkbox"/></td> </tr> <tr> <td>e. <input type="checkbox"/> ..... Subterranean Rights .....</td> <td><input type="checkbox"/></td> </tr> <tr> <td>f. <input type="checkbox"/> ..... Development Rights .....</td> <td><input type="checkbox"/></td> </tr> <tr> <td>g. <input type="checkbox"/> ..... Stock .....</td> <td><input type="checkbox"/></td> </tr> <tr> <td>h. <input type="checkbox"/> ..... Partnership Interest .....</td> <td><input type="checkbox"/></td> </tr> <tr> <td>i. <input type="checkbox"/> ..... OTHER. (describe): .....</td> <td><input type="checkbox"/></td> </tr> </tbody> </table>	REC.	NON REC.	a. <input checked="" type="checkbox"/> ..... Fee.....	<input type="checkbox"/>	b. <input type="checkbox"/> ..... Leasehold Grant .....	<input type="checkbox"/>	c. <input type="checkbox"/> ..... Leasehold Assignment or Surrender .....	<input type="checkbox"/>	d. <input type="checkbox"/> ..... Easement .....	<input type="checkbox"/>	e. <input type="checkbox"/> ..... Subterranean Rights .....	<input type="checkbox"/>	f. <input type="checkbox"/> ..... Development Rights .....	<input type="checkbox"/>	g. <input type="checkbox"/> ..... Stock .....	<input type="checkbox"/>	h. <input type="checkbox"/> ..... Partnership Interest .....	<input type="checkbox"/>	i. <input type="checkbox"/> ..... OTHER. (describe): .....	<input type="checkbox"/>
REC.	NON REC.																				
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h. <input type="checkbox"/> ..... Partnership Interest .....	<input type="checkbox"/>																				
i. <input type="checkbox"/> ..... OTHER. (describe): .....	<input type="checkbox"/>																				

**SCHEDULE 1 - DETAILS OF CONSIDERATION**

COMPLETE THIS SCHEDULE FOR ALL TRANSFERS AFTER COMPLETING THE APPROPRIATE SCHEDULES ON PAGES 5 THROUGH 12. ENTER "ZERO" ON LINE 11 IF THE TRANSFER REPORTED WAS WITHOUT CONSIDERATION.

1. Cash.....	● 1.	88,500,000	00
2. Purchase money mortgage.....	● 2.	0	00
3. Unpaid principal of pre-existing mortgage(s).....	● 3.	0	00
4. Accrued interest on pre-existing mortgage(s).....	● 4.	0	00
5. Accrued real estate taxes.....	● 5.	0	00
6. Amounts of other liens on property.....	● 6.	0	00
7. Value of shares of stock or of partnership interest received.....	● 7.	0	00
8. Value of real or personal property received in exchange.....	● 8.	0	00
9. Amount of Real Property Transfer Tax and/or other taxes or expenses of the grantor which are paid by the grantee.....	● 9.	0	00
10. Other (describe): .....	● 10.	0	00
11. <b>TOTAL CONSIDERATION</b> (add lines 1 through 10 - must equal amount entered on line 1 of Schedule 2) (see instructions).....	● 11.	\$ 88,500,000	00

**See instructions for special rules relating to transfers of cooperative units, liquidations, marital settlements and transfers of property to a business entity in return for an interest in the entity.**

**SCHEDULE 2 - COMPUTATION OF TAX**

A. Payment	Pay amount shown on line 15 - See Instructions	Payment Enclosed	
1. Total Consideration (from line 11, above).....	● 1.	88,500,000	00
2. Excludable liens (see instructions).....	● 2.	0	00
3. Consideration (line 1 less line 2).....	● 3.	88,500,000	00
4. Tax Rate (see instructions).....	● 4.	2.625	%
5. HDFC Exemption (see Schedule L, line 15) .....	● 5.	0	00
6. Consideration less HDFC Exemption (line 3 less line 5) .....	● 6.	88,500,000	00
7. Percentage change in beneficial ownership (see instructions) .....	● 7.	100	%
8. Taxable consideration (multiply line 6 by line 7).....	● 8.	88,500,000	00
9. Tax (multiply line 8 by line 4).....	● 9.	2,323,125	00
10. Credit (see instructions).....	● 10.	0	00
11. Transfer tax previously paid (see Schedule L, line 18).....	● 11.	0	00
12. Tax due (line 9 less line 10 and 11) (if the result is negative, enter zero).....	● 12.	2,323,125	00
13. Interest (see instructions).....	● 13.	0	00
14. Penalty (see instructions).....	● 14.	0	00
15. <b>Total Tax Due</b> (add lines 12, 13 and 14).....	● 15.	\$ 2,323,125	00

**GRANTOR'S ATTORNEY**

Name of Attorney		Telephone Number ( )	
Address (number and street)		City and State	Zip Code
EMPLOYER IDENTIFICATION NUMBER	-	OR	SOCIAL SECURITY NUMBER

**GRANTEE'S ATTORNEY**

Name of Attorney ALVIN SCHEIN, ESQ SEIDEN & SCHEIN, PC		Telephone Number ( 212 ) 935-1400	
Address (number and street) 570 LEXINGTON AVENUE		City and State NEW YORK, NY	Zip Code 10022
EMPLOYER IDENTIFICATION NUMBER	-	OR	SOCIAL SECURITY NUMBER

**CERTIFICATION**

I swear or affirm that this return, including any accompanying schedules, affidavits and attachments, has been examined by me and is, to the best of my knowledge, a true and complete return made in good faith, pursuant to Title 11, Chapter 21 of the Administrative Code and the regulations issued thereunder.

**GRANTOR**

**GRANTEE**

Sworn to and subscribed to

Sworn to and subscribed to

before me on this 04-3475831 day EMPLOYER IDENTIFICATION NUMBER OR SOCIAL SECURITY NUMBER

before me on this 17th day 85-2832827 EMPLOYER IDENTIFICATION NUMBER OR SOCIAL SECURITY NUMBER

of FORTRESS NEW YORK HOLDINGS, INC.

of September 2021 50TH & 5TH LIC LLC

See Attached

Name of Grantor  
See Attached

Name of Grantee

Signature of Notary

Signature of Grantor

Signature of Notary

Signature of Grantee

Notary's stamp or seal

Notary's stamp or seal

**CLAIRE M. ZERINGUE, ESQ.**  
**NOTARY PUBLIC**  
**NOTARY NO. 162672**  
**LA BAR ROLL NO. 38950**  
**MY COMMISSION IS ISSUED FOR LIFE**

**CERTIFICATION PAGE  
(NYC-RPT)**

I swear or affirm that this return, including any accompanying schedules, affidavits and attachments, has been examined by me and is, to the best of my knowledge, a true and complete return made in good faith, pursuant to Title 11, chapter 21 of the Administrative Code and the regulations issued thereunder.

**GRANTOR:**

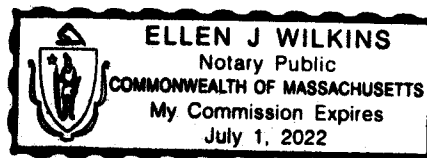
Employer Identification Number: 04-3475831

FORTRESS NEW YORK HOLDINGS, INC.

By: Ladd M. Thorne, President  
Ladd M. Thorne  
President

Sworn to and subscribed to before me on this  
9<sup>th</sup> day of September, 2021

Ellen J. Wilkins  
Ellen J. Wilkins



FOR CITY USE ONLY

C1. County Code  C2. Date Deed Recorded  /  /   
 Month Day Year

C3. Book  OR C4. Page   
 C5. CRFN



**REAL PROPERTY TRANSFER REPORT**  
 STATE OF NEW YORK  
 STATE BOARD OF REAL PROPERTY SERVICES  
**RP - 5217NYC**

**PROPERTY INFORMATION**

1. Property Location  2-33  50TH AVENUE  QUEENS  11101   
STREET NUMBER STREET NAME BOROUGH ZIP CODE

2. Buyer Name  50TH & 5TH LIC LLC   
LAST NAME / COMPANY FIRST NAME

LAST NAME / COMPANY FIRST NAME

3. Tax Billing Address Indicate where future Tax Bills are to be sent if other than buyer address (at bottom of form)    
LAST NAME / COMPANY FIRST NAME

STREET NUMBER AND STREET NAME CITY OR TOWN STATE ZIP CODE

4. Indicate the number of Assessment Roll parcels transferred on the deed  1  # of Parcels OR  Part of a Parcel

4A. Planning Board Approval - N/A for NYC  
 4B. Agricultural District Notice - N/A for NYC

5. Deed Property Size  FRONT FEET X  DEPTH OR  ACRES   
 Check the boxes below as they apply:  
 6. Ownership Type is Condominium   
 7. New Construction on Vacant Land

8. Seller Name  FORTRESS NEW YORK HOLDINGS, INC.   
LAST NAME / COMPANY FIRST NAME

LAST NAME / COMPANY FIRST NAME

9. Check the box below which most accurately describes the use of the property at the time of sale:

A  One Family Residential C  Residential Vacant Land E  Commercial G  Entertainment / Amusement I  Industrial  
 B  2 or 3 Family Residential D  Non-Residential Vacant Land F  Apartment H  Community Service J  Public Service

**SALE INFORMATION**

10. Sale Contract Date  9 / 2 / 2020   
Month Day Year

11. Date of Sale / Transfer  9 / 20 / 2021   
Month Day Year

12. Full Sale Price \$  8 8 5 0 0 0 0 0   
( Full Sale Price is the total amount paid for the property including personal property. This payment may be in the form of cash, other property or goods, or the assumption of mortgages or other obligations.) Please round to the nearest whole dollar amount.

13. Indicate the value of personal property included in the sale

**14. Check one or more of these conditions as applicable to transfer:**

A  Sale Between Relatives or Former Relatives  
 B  Sale Between Related Companies or Partners in Business  
 C  One of the Buyers is also a Seller  
 D  Buyer or Seller is Government Agency or Lending Institution  
 E  Deed Type **not** Warranty or Bargain and Sale (Specify Below)  
 F  Sale of Fractional or Less than Fee Interest ( Specify Below )  
 G  Significant Change in Property Between Taxable Status and Sale Dates  
 H  Sale of Business is Included in Sale Price  
 I  Other Unusual Factors Affecting Sale Price ( Specify Below )  
 J  None

**ASSESSMENT INFORMATION - Data should reflect the latest Final Assessment Roll and Tax Bill**

15. Building Class  E, 9  16. Total Assessed Value (of all parcels in transfer)  3 7 9 9 8 0 0

17. Borough, Block and Lot / Roll Identifier(s) ( If more than three, attach sheet with additional identifier(s) )  
 QUEENS 17 1

**CERTIFICATION**

I certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and understand that the making of any willful false statement of material fact herein will subject me to the provisions of the penal law relative to the making and filing of false instruments.

BUYER			BUYER'S ATTORNEY		
BUYER SIGNATURE <i>[Signature]</i> H. H. H.	DATE		LAST NAME	FIRST NAME	
STREET NUMBER	STREET NAME (AFTER SALE)		AREA CODE	TELEPHONE NUMBER	
11	Park Pl Suite 1705		See Attached	SELLER	
CITY OR TOWN	STATE	ZIP CODE	SELLER SIGNATURE	DATE	
New York	NY	10007			

**CERTIFICATION PAGE  
(RP-5217NYC)**

I certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and I understand that the making of any willful false statement of material fact herein will subject me to the provisions of the penal law relative to the making and filing of false instruments.

**GRANTOR:**

**FORTRESS NEW YORK HOLDINGS, INC.**

By: Ladd M. Thorne, President  
Name: Ladd M. Thorne  
Title: President

Date: September \_\_, 2021



Department of Taxation and Finance

TP-584-NYC (9/19)

Recording office time stamp

Combined Real Estate Transfer Tax Return, Credit Line Mortgage Certificate, and Certification of Exemption from the Payment of Estimated Personal Income Tax for the Conveyance of Real Property Located in New York City

See Form TP-584-NYC-1, Instructions for Form TP-584-NYC, before completing this form. Print or type.

Schedule A - Information relating to conveyance

Form with sections for Grantor/Transferor and Grantee/Transferee, including fields for Name, Mailing address, City, State, ZIP code, Social Security number, and Employer identification number.

Location and description of property conveyed

Table with 5 columns: Tax map designation, SWIS code, Street address, City, town, or village, and County. Row 1: 4 - 17 - 1, 650000, 2-33 50TH AVENUE, NEW YORK, QUEENS.

Type of property conveyed (mark an X in applicable box)

- 1 One- to three-family house
2 Residential cooperative
3 Residential condominium
4 Vacant land
5 Commercial/Industrial
6 Apartment building
7 Office building
8 Four-family dwelling
9 Other

Date of conveyance

Date of conveyance: 9 / 20 / 2021

Contract executed on or before April 1, 2019 (see instructions)

Percentage of real property conveyed which is residential real property 0% (see instructions)

Condition of conveyance (mark all that apply)

- a. Conveyance of fee interest
b. Acquisition of a controlling interest
c. Transfer of a controlling interest
d. Conveyance to cooperative housing corporation
e. Conveyance pursuant to or in lieu of foreclosure
f. Conveyance which consists of a mere change of identity
g. Conveyance for which credit for tax previously paid will be claimed
h. Conveyance of cooperative apartment(s)
i. Syndication
j. Conveyance of air rights or development rights
k. Contract assignment
l. Option assignment or surrender
m. Leasehold assignment or surrender
n. Leasehold grant
o. Conveyance of an easement
p. Conveyance for which exemption from transfer tax claimed
q. Conveyance of property partly within and partly outside the state
r. Conveyance pursuant to divorce or separation
s. Other (describe)

Table for recording officer's use with columns: Amount received (Schedule B, Part 1, 2, 3), Date received, and Transaction number.

**Schedule B – Real estate transfer tax return (Tax Law, Article 31)**

**Part 1 – Computation of tax due (in addition to the tax on line 4, you must compute the tax on lines 5a and 5b, if applicable)**

1	Enter amount of consideration for the conveyance (if you are claiming a total exemption from tax, mark the exemption claimed box, enter consideration and proceed to Part 4) <input type="checkbox"/> <b>Exemption claimed</b>	1.	88,500,000	00
2	Continuing lien deduction (see instructions if property is taken subject to mortgage or lien)	2.	0	00
3	Taxable consideration (subtract line 2 from line 1)	3.	88,500,000	00
4	Tax: \$2 for each \$500, or fractional part thereof, of consideration on line 3	4.	354,000	00
5a	Tax: \$1.25 for each \$500, or fractional part thereof, of consideration for the conveyance of residential real property located in New York City if the amount on line 3 is \$3 million or more (see instructions)	5a.	0	00
5b	Tax: \$1.25 for each \$500, or fractional part thereof, of consideration for the conveyance of property located in New York City other than residential real property, if the amount on line 1 is \$2 million or more (see instructions)	5b.	221,250	00
6	Total before credit(s) claimed (add lines 4, 5a, and 5b)	6.	575,250	00
7	Amount of credit claimed for tax previously paid (see instructions and attach Form TP-584.1, Schedule G)	7.	0	00
8	Total tax due* (subtract line 7 from line 6)	8.	575,250	00

**Part 2 – Computation of additional tax due on the conveyance of residential real property for \$1 million or more (see instructions)**

1	Enter amount of consideration for conveyance (from Part 1, line 1)	1.	88,500,000	00
2	Taxable consideration (multiply line 1 by the percentage of the premises which is residential real property, as shown in Schedule A)	2.	0	00
3	Total additional transfer tax due* (multiply line 2 by 1% (.01))	3.	0	00

**Part 3 – Computation of supplemental tax due on the conveyance of residential real property, or interest therein, located in New York City, for \$2 million or more (see instructions)**

1	Enter amount of consideration for conveyance (from Part 1, line 1)	1.	88,500,000	00
2	Taxable consideration (multiply line 1 by the percentage of the premises which is residential real property, as shown in Schedule A)	2.	0	00
3	Total supplemental transfer tax due* (multiply line 2 by tax rate, see instruction for rates)	3.	0	00

\* The total tax (from Part 1, line 8; Part 2, line 3; and Part 3, line 3 above) is due within 15 days from the date of conveyance.

**Part 4 – Explanation of exemption claimed on Part 1, line 1 (mark any boxes that apply)**

The conveyance of real property is exempt from the real estate transfer tax for the following reason:

- a. Conveyance is to the United Nations, the United States of America, New York State, or any of their instrumentalities, agencies, or political subdivisions (or any public corporation, including a public corporation created pursuant to agreement or compact with another state or Canada)..... a
- b. Conveyance is to secure a debt or other obligation..... b
- c. Conveyance is without additional consideration to confirm, correct, modify, or supplement a prior conveyance..... c
- d. Conveyance of real property is without consideration and not in connection with a sale, including conveyances conveying realty as bona fide gifts..... d
- e. Conveyance is given in connection with a tax sale..... e
- f. Conveyance is a mere change of identity or form of ownership or organization where there is no change in beneficial ownership. (This exemption cannot be claimed for a conveyance to a cooperative housing corporation of real property comprising the cooperative dwelling or dwellings.) Attach Form TP-584.1, Schedule F..... f
- g. Conveyance consists of deed of partition..... g
- h. Conveyance is given pursuant to the federal Bankruptcy Act..... h
- i. Conveyance consists of the execution of a contract to sell real property, without the use or occupancy of such property, or the granting of an option to purchase real property, without the use or occupancy of such property..... i
- j. Conveyance of an option or contract to purchase real property with the use or occupancy of such property where the consideration is less than \$200,000 and such property was used solely by the grantor as the grantor's personal residence and consists of a one-, two-, or three-family house, an individual residential condominium unit, or the sale of stock in a cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold covering an individual residential cooperative apartment..... j
- k. Conveyance is not a conveyance within the meaning of Tax Law, Article 31, § 1401(e) (attach documents supporting such claim)..... k



**Schedule C – Credit Line Mortgage Certificate (Tax Law, Article 11)**

Complete the following only if the interest being transferred is a fee simple interest.

I (we) certify that: (mark an X in the appropriate box)

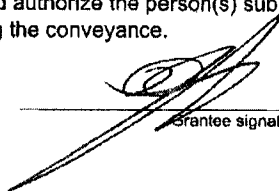
1.  The real property being sold or transferred is not subject to an outstanding credit line mortgage.
2.  The real property being sold or transferred is subject to an outstanding credit line mortgage. However, an exemption from the tax is claimed for the following reason:
  - a.  The transfer of real property is a transfer of a fee simple interest to a person or persons who held a fee simple interest in the real property (whether as a joint tenant, a tenant in common or otherwise) immediately before the transfer.
  - b.  The transfer of real property is (A) to a person or persons related by blood, marriage or adoption to the original obligor or to one or more of the original obligors or (B) to a person or entity where 50% or more of the beneficial interest in such real property after the transfer is held by the transferor or such related person or persons (as in the case of a transfer to a trustee for the benefit of a minor or the transfer to a trust for the benefit of the transferor).
  - c.  The transfer of real property is a transfer to a trustee in bankruptcy, a receiver, assignee, or other officer of a court.
  - d.  The maximum principal amount secured by the credit line mortgage is \$3,000,000 or more, and the real property being sold or transferred is **not** principally improved nor will it be improved by a one- to six-family owner-occupied residence or dwelling.

**Note:** for purposes of determining whether the maximum principal amount secured is \$3,000,000 or more as described above, the amounts secured by two or more credit line mortgages may be aggregated under certain circumstances. See TSB-M-96(6)-R for more information regarding these aggregation requirements.

- e.  Other (attach detailed explanation).
3.  The real property being transferred is presently subject to an outstanding credit line mortgage. However, no tax is due for the following reason:
  - a.  A certificate of discharge of the credit line mortgage is being offered at the time of recording the deed.
  - b.  A check has been drawn payable for transmission to the credit line mortgagee or his agent for the balance due, and a satisfaction of such mortgage will be recorded as soon as it is available.
4.  The real property being transferred is subject to an outstanding credit line mortgage recorded in \_\_\_\_\_ (insert liber and page or reel or other identification of the mortgage). The maximum principal amount of debt or obligation secured by the mortgage is \_\_\_\_\_. No exemption from tax is claimed and the tax of \_\_\_\_\_ is being paid herewith. (Make check payable to county clerk where deed will be recorded or, if the recording is to take place in New York City but not in Richmond County, make check payable to the NYC Department of Finance.)

**Signature (both the grantor(s) and grantee(s) must sign)**

The undersigned certify that the above information contained in schedules A, B, and C, including any return, certification, schedule, or attachment, is to the best of his/her knowledge, true and complete, and authorize the person(s) submitting such form on their behalf to receive a copy for purposes of recording the deed or other instrument effecting the conveyance.

Grantor signature	Title	Grantee signature	Title
See Attached			
Grantor signature	Title	Grantee signature	Title

**Reminder:** Did you complete all of the required information in Schedules A, B, and C? Are you required to complete Schedule D? If you marked e, f, or g in Schedule A, did you complete Form TP-584.1? If the contract was executed prior to April 1, 2019, did you attach the necessary verification? Have you attached your check(s) made payable to the county clerk where recording will take place or, if the recording is in the New York City boroughs of Manhattan, Bronx, Brooklyn, or Queens, to the **NYC Department of Finance**? If no recording is required, send this return and your check(s), made payable to the **NYS Department of Taxation and Finance**, directly to the NYS Tax Department, RETT Return Processing, PO Box 5045, Albany NY 12205-0045. If not using U.S. Mail, see Publication 55, *Designated Private Delivery Services*.

**CERTIFICATION PAGE  
(TP-584)**

The undersigned certify that the above information contained in Schedules A, B, and C, including any return, certification, schedule, or attachment, is to the best of his/her knowledge, true and complete, and authorize the person(s) submitting such form on their behalf to receive a copy for purposes of recording the deed or other instrument effecting the conveyance.

**GRANTOR:**

**EIN:** 04-3475831

**FORTRESS NEW YORK HOLDINGS, INC.**

By: Ladd M. Thorne  
Ladd M. Thorne  
President

---

**Signature (both the grantor(s) and grantee(s) must sign)**

---

The undersigned certify that the above information contained in schedules A, B, and C, including any return, certification, schedule, or attachment, is to the best of his/her knowledge, true and complete, and authorize the person(s) submitting such form on their behalf to receive a copy for purposes of recording the deed or other instrument effecting the conveyance.

---

Grantor signature	Title	Grantee signature	Title
-------------------	-------	-------------------	-------

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Grantor signature	Title	Grantee signature	Title
-------------------	-------	-------------------	-------

**Schedule D – Certification of exemption from the payment of estimated personal income tax (Tax Law, Article 22, § 663)**

Complete the following only if a fee simple interest or a cooperative unit is being transferred by an individual or estate or trust.

If the property is being conveyed by a referee pursuant to a foreclosure proceeding, proceed to Part 2, mark the second box under Exemptions for nonresident transferor(s)/seller(s), and sign at bottom.

**Part 1 – New York State residents**

If you are a New York State resident transferor(s)/seller(s) listed in Form TP-584-NYC, Schedule A (or an attachment to Form TP-584-NYC), you must sign the certification below. If one or more transferors/sellers of the real property or cooperative unit is a resident of New York State, each resident transferor/seller must sign in the space provided. If more space is needed, photocopy this Schedule D and submit as many schedules as necessary to accommodate all resident transferors/sellers.

**Certification of resident transferor(s)/seller(s)**

This is to certify that at the time of the sale or transfer of the real property or cooperative unit, the transferor(s)/seller(s) as signed below was a resident of New York State, and therefore is not required to pay estimated personal income tax under Tax Law, § 663(a) upon the sale or transfer of this real property or cooperative unit.

Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date

**Note:** A resident of New York State may still be required to pay estimated tax under Tax Law, § 685(c), but not as a condition of recording a deed.

**Part 2 – Nonresidents of New York State**

If you are a nonresident of New York State listed as a transferor/seller in Form TP-584-NYC, Schedule A (or an attachment to Form TP-584-NYC) but are not required to pay estimated personal income tax because one of the exemptions below applies under Tax Law, § 663(c), mark the box of the appropriate exemption below. If any one of the exemptions below applies to the transferor(s)/seller(s), that transferor(s)/seller(s) is not required to pay estimated personal income tax to New York State under Tax Law, § 663. Each nonresident transferor/seller who qualifies under one of the exemptions below must sign in the space provided. If more space is needed, photocopy this Schedule D and submit as many schedules as necessary to accommodate all nonresident transferors/sellers.

If none of these exemption statements apply, you must complete Form IT-2663, *Nonresident Real Property Estimated Income Tax Payment Form*, or Form IT-2664, *Nonresident Cooperative Unit Estimated Income Tax Payment Form*. For more information, see *Payment of estimated personal income tax*, on Form TP-584-NYC-I, page 1.

**Exemption for nonresident transferor(s)/seller(s)**

This is to certify that at the time of the sale or transfer of the real property or cooperative unit, the transferor(s)/seller(s) (grantor) of this real property or cooperative unit was a nonresident of New York State, but is not required to pay estimated personal income tax under Tax Law, § 663 due to one of the following exemptions:

- The real property or cooperative unit being sold or transferred qualifies in total as the transferor's/seller's principal residence (within the meaning of Internal Revenue Code, section 121) from \_\_\_\_\_ Date to \_\_\_\_\_ Date (see instructions).
- The transferor/seller is a mortgagor conveying the mortgaged property to a mortgagee in foreclosure, or in lieu of foreclosure with no additional consideration.
- The transferor or transferee is an agency or authority of the United States of America, an agency or authority of the state of New York, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.

Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date

**Certification of resident transferor(s)/seller(s)**

This is to certify that at the time of the sale or transfer of the real property or cooperative unit, the transferor(s)/seller(s) as signed below was a resident of New York State, and therefore is not required to pay estimated personal income tax under Tax Law, section 663(a) upon the sale or transfer of this real property or cooperative unit.

Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date

**Exemption for nonresident transferor(s)/seller(s)**

This is to certify that at the time of the sale or transfer of the real property or cooperative unit, the transferor(s)/seller(s) (grantor) of this real property or cooperative unit was a nonresident of New York State, but is not required to pay estimated personal income tax under Tax Law, section 663 due to one of the following exemptions:

- The real property or cooperative unit being sold or transferred qualifies in total as the transferor's/seller's principal residence (within the meaning of Internal Revenue Code, section 121) from \_\_\_\_\_ Date to \_\_\_\_\_ Date (see instructions).
- The transferor/seller is a mortgagor conveying the mortgaged property to a mortgagee in foreclosure, or in lieu of foreclosure with no additional consideration.
- The transferor or transferee is an agency or authority of the United States of America, an agency or authority of the state of New York, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.

Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date



**60-Day Advance Notification of Site Change of Use, Transfer of Certificate of Completion, and/or Ownership**

Required by 6NYCRR Part 375-1.11(d) and 375-1.9(f)

To be submitted at least 60 days prior to change of use to:

Chief, Site Control Section  
New York State Department of Environmental Conservation  
Division of Environmental Remediation, 625 Broadway  
Albany NY 12233-7020

**I. Site Name:** Former FO Pierce Company **DEC Site ID No.** C241251

**II. Contact Information of Person Submitting Notification:**

Name: Jon Schuyler Brooks  
Address1: Abramson Brooks LLP  
Address2: 1051 Port Washington Blvd. #322, Port Washington, NY 11050  
Phone: (516) 455-0215 E-mail: jbrooks@abramsonbrooks.com

**III. Type of Change and Date:** Indicate the Type of Change(s) (check all that apply):

- Change in Ownership or Change in Remedial Party(ies)
- Transfer of Certificate of Completion (CoC)
- Other (e.g., any physical alteration or other change of use)

Proposed Date of Change (mm/dd/yyyy):

**IV. Description:** Describe proposed change(s) indicated above and attach maps, drawings, and/or parcel information.

This Change of Use is being submitted to confirm the prior transfer of Title to the original/current Applicant.

Title transferred prior to the Department's approval of the RAWP, so Applicant performed and completed

all remedial work after becoming owner. Contact information remains the same.

If "Other," the description must explain and advise the Department how such change may or may not affect the site's proposed, ongoing, or completed remedial program (attach additional sheets if needed).

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**V. Certification Statement:** Where the change of use results in a change in ownership or in responsibility for the proposed, ongoing, or completed remedial program for the site, the following certification must be completed (by owner or designated representative; see §375-1.11(d)(3)(i)):

I hereby certify that the prospective purchaser and/or remedial party has been provided a copy of any order, agreement, Site Management Plan, or State Assistance Contract regarding the Site's remedial program as well as a copy of all approved remedial work plans and reports.

Name: \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Print Name)

Address1: \_\_\_\_\_

Address2: \_\_\_\_\_

Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

**VI. Contact Information for New Owner, Remedial Party, or CoC Holder:** If the site will be sold or there will be a new remedial party, identify the prospective owner(s) or party(ies) along with contact information. If the site is subject to an Environmental Easement, Deed Restriction, or Site Management Plan requiring periodic certification of institutional controls/engineering controls (IC/ECs), indicate who will be the certifying party (attach additional sheets if needed).

Prospective Owner  Prospective Remedial Party  Prospective Owner Representative

Name: \_\_\_\_\_

Address1: \_\_\_\_\_

Address2: \_\_\_\_\_

Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

Certifying Party Name: \_\_\_\_\_

Address1: \_\_\_\_\_

Address2: \_\_\_\_\_

Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

**VII. Agreement to Notify DEC after Transfer:** If Section VI applies, and all or part of the site will be sold, a letter to notify the DEC of the completion of the transfer must be provided. If the current owner is also the holder of the CoC for the site, the CoC should be transferred to the new owner using DEC's form found at <http://www.dec.ny.gov/chemical/54736.html>. This form has its own filing requirements (see 6NYCRR Part 375-1.9(f)).

Signing below indicates that these notices will be provided to the DEC within the specified time frames. If the sale of the site also includes the transfer of a CoC, the DEC agrees to accept the notice given in VII.3 below in satisfaction of the notice required by VII.1 below (which normally must be submitted within 15 days of the sale of the site).

Within 30 days of the sale of the site, I agree to submit to the DEC:

1. the name and contact information for the new owner(s) (see §375-1.11(d)(3)(ii));
2. the name and contact information for any owner representative; and
3. a notice of transfer using the DEC's form found at <http://www.dec.ny.gov/chemical/54736.html> (see §375-1.9(f)).

Name: \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Print Name)

Address1: \_\_\_\_\_

Address2: \_\_\_\_\_

Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_



**Continuation Sheet**

Prospective Owner/Holder  Prospective Remedial Party  Prospective Owner Representative  
Name: \_\_\_\_\_  
Address1: \_\_\_\_\_  
Address2: \_\_\_\_\_  
Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

Prospective Owner/Holder  Prospective Remedial Party  Prospective Owner Representative  
Name: \_\_\_\_\_  
Address1: \_\_\_\_\_  
Address2: \_\_\_\_\_  
Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

Prospective Owner/Holder  Prospective Remedial Party  Prospective Owner Representative  
Name: \_\_\_\_\_  
Address1: \_\_\_\_\_  
Address2: \_\_\_\_\_  
Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

Prospective Owner/Holder  Prospective Remedial Party  Prospective Owner Representative  
Name: \_\_\_\_\_  
Address1: \_\_\_\_\_  
Address2: \_\_\_\_\_  
Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

Prospective Owner/Holder  Prospective Remedial Party  Prospective Owner Representative  
Name: \_\_\_\_\_  
Address1: \_\_\_\_\_  
Address2: \_\_\_\_\_  
Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

Prospective Owner/Holder  Prospective Remedial Party  Prospective Owner Representative  
Name: \_\_\_\_\_  
Address1: \_\_\_\_\_  
Address2: \_\_\_\_\_  
Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_



## Instructions for Completing the 60-Day Advance Notification of Site Change of Use, Transfer of Certificate of Completion (CoC), and/or Ownership Form

Submit to: Chief, Site Control Section, New York State Department of Environmental Conservation, Division of Environmental Remediation, 625 Broadway, Albany NY 12233-7020

### Section I

#### Description

Site Name

Official DEC site name.  
(see <http://www.dec.ny.gov/cfmx/extapps/derexternal/index.cfm?pageid=3>)

DEC Site ID No.

DEC site identification number.

### Section II

#### Contact Information of Person Submitting Notification

Name

Name of person submitting notification of site change of use, transfer of certificate of completion and/or ownership form.

Address1

Street address or P.O. box number of the person submitting notification.

Address2

City, state and zip code of the person submitting notification.

Phone

Phone number of the person submitting notification.

E-mail

E-mail address of the person submitting notification.

### Section III

#### Type of Change and Date

Check Boxes

Check the appropriate box(s) for the type(s) of change about which you are notifying the Department. Check all that apply.

Proposed Date of Change

Date on which the change in ownership or remedial party, transfer of CoC, or other change is expected to occur.

### Section IV

#### Description

Description

For each change checked in Section III, describe the proposed change.  
Provide all applicable maps, drawings, and/or parcel information.  
If "Other" is checked in Section III, explain how the change may affect the site's proposed, ongoing, or completed remedial program at the site.  
Please attach additional sheets, if needed.

## Section V Certification Statement

*This section must be filled out if the change of use results in a change of ownership or responsibility for the proposed, ongoing, or completed remedial program for the site. When completed, it provides DEC with a certification that the prospective purchaser has been provided a copy of any order, agreement, or State assistance contract as well as a copy of all approved remedial work plans and reports.*

Name The owner of the site property or their designated representative must sign and date the certification statement. Print owner or designated representative's name on the line provided below the signature.

Address1 Owner or designated representative's street address or P.O. Box number.

Address2 Owner or designated representative's city, state and zip code.

Phone Owner or designated representative's phone number.

E-Mail Owner or designated representative's E-mail.

## Section VI Contact Information for New Owner, Remedial Party, and CoC Holder (if a CoC was issued)

*Fill out this section only if the site is to be sold or there will be a new remedial party. Check the appropriate box to indicate whether the information being provided is for a Prospective Owner, CoC Holder (if site was ever issued a COC), Prospective Remedial Party, or Prospective Owner Representative. Identify the prospective owner or party and include contact information. A Continuation Sheet is provided at the end of this form for additional owner/party information.*

Name Name of Prospective Owner, Prospective Remedial Party or Prospective Owner Representative.

Address1 Street address or P.O. Box number for the Prospective Owner, Prospective Remedial Party, or Prospective Owner Representative.

Address2 City, state and zip code for the Prospective Owner, Prospective Remedial Party, or Prospective Owner Representative.

Phone Phone number for the Prospective Owner, Prospective Remedial Party or Prospective Owner Representative.

E-Mail E-mail address of the Prospective Owner, Prospective Remedial Party or Prospective Owner Representative.

***If the site is subject to an Environmental Easement, Deed Restriction, or Site Management Plan requiring periodic certification of institutional controls/engineering controls (IC/EC), indicate who will be the certifying party(ies). Attach additional sheets, if needed.***

Certifying Party Name	Name of Certifying Party.
Address1	Certifying Party's street address or P.O. Box number.
Address2	Certifying Party's city, state and zip code.
Phone	Certifying Party's Phone number.
E-Mail	Certifying Party's E-mail address.

## **Section VII Agreement to Notify DEC After Property Transfer/Sale**

***This section must be filled out for all property transfers of all or part of the site. If the site also has a CoC, then the CoC shall be transferred using DEC's form found at <http://www.dec.ny.gov/chemical/54736.html>***

***Filling out and signing this section of the form indicates you will comply with the post transfer notifications within the required timeframes specified on the form. If a CoC has been issued for the site, the DEC will allow 30 days for the post transfer notification so that the "Notice of CoC Transfer Form" and proof of it's filing can be included. Normally the required post transfer notification must be submitted within 15 day (per 375-1.11(d)(3)(ii)) when no CoC is involved.***

Name	Current property owner must sign and date the form on the designated lines. Print owner's name on the line provided.
Address1	Current owner's street address.
Address2	Current owner's city, state and zip code.