

THIS INDENTURE, made the **28** day of **September** nineteen hundred and ninety-five between **THE CITY OF NEW YORK**, a municipal corporation, having its principal office at City Hall, Borough of Manhattan, City and State of New York the first party

and **ROBERT NYGAARD**, residing at 4201 North Ocean Boulevard, Boca Raton, Florida 33431

hereinafter designated as the second party.

WHEREAS, after the appraisal under the direction of the Mayor of the City of New York, and after a public hearing held on the 10th day of August, 1994 the Mayor by authorization dated the 25th day of August, 1994 (Calendar No. 75), duly ordered and directed the sale at public auction of the premises therein and hereinafter described for the minimum or upset price of **SEVENTEEN THOUSAND FIVE HUNDRED (\$17,500.00) DOLLARS**, and

WHEREAS, after advertisement in the manner provided by law, said premises were duly sold by and under the direction of the Deputy Commissioner of General Services, Division of Real Property (now known as Division of Real Estate Services) at public auction at the time and place set forth in such advertisement for the sum of **SEVENTEEN THOUSAND FIVE HUNDRED (\$17,500.00) DOLLARS** that being the highest bid therefor at the said sale.

NOW, THEREFORE, WITNESSETH: That the first party, in consideration of the sum of **SEVENTEEN THOUSAND FIVE HUNDRED (\$17,500.00) DOLLARS**

lawful money of the United States, paid by the second party, does hereby grant and release unto the second party, the heirs or successors and assigns of the second party forever,

All that/those certain piece/s or parcel/s of land, together with any improvements thereon, situate, lying and being in the Borough of **QUEENS** City and State of New York, designated on the Tax Map of the City of New York, for the Borough of **QUEENS**, as said Tax Map was on **April 11, 1978**

Block 11952 Lot/s 57

The estate conveyed is subject to the following:

Those uses as defined in the New York City Zoning Resolution as "Motels (Use Group 7) and "Hotels, transient" (Use Group 5) shall not be allowed on this property.  
This restriction shall run with the land.

The property shall be burdened by the foregoing use restriction(s) notwithstanding any uses which may be permitted by the grant of a variance and/or notwithstanding any changes, modifications or amendments to be made at any future time by the City of New York to its Zoning Resolution.  
This restriction shall run with the land.

The estate conveyed is subject to the following condition subsequent, which shall run with the land:

Construction of a new building on the property, substantially in accordance with the New Building Permit #400524964-01-NB shall be completed, as evidenced by a Temporary Certificate of Occupancy for a substantial portion of the building within two (2) years from the date of this deed.

Upon the breach of the foregoing condition subsequent, then, after written notice of default and failure to cure within sixty (60) days, except if said default cannot be cured within said time period, then within a period of time not exceeding six (6) months, after written demand by the City to do so, the City without any consideration to the second party or any owner of improvements on the property shall have the right, subject to the laws of the State of New York, to re-enter and take possession of the property together with any improvements thereon and to terminate the estate conveyed by this deed and title shall re-vest in the City of New York, subject only to the lien of an institutional construction loan or a permanent "take-out" loan from an institutional lender ("Holder") with regard thereto. For purposes hereof, "institutional lender" shall mean a savings and loan association, a savings bank, a commercial bank or trust company (whether acting individually, as trustee under an indenture of mortgage and deed of trust or in any fiduciary capacity), an insurance company, an educational institution, or a state, municipal or similar public employees' welfare, pension or retirement fund or system or any other corporation or organization subject to supervision and regulation by the insurance or banking departments to the State of New York or the United States Treasury, or any successor department or

departments hereafter exercising the same functions as said departments; provided such institutional lender shall be subject to service of process within New York State and shall either have a net worth of fifty million (\$50,000,000.00) dollars or assets of at least two hundred fifty million (\$250,000,000.00) dollars. The party of the first part shall provide any Holder of record with same notice of default and opportunity to cure as is provided above with respect to the party of the second part.

Except as specifically provided above, all Standard Terms and Conditions apply to this sale.

**TO HAVE AND TO HOLD** the premises herein granted unto the second party, the heirs or successors and assigns of the second party forever.

Subject to: (1) The terms of the Mayoral authorization; (2) Any state of facts an accurate survey would show; (3) The rights, if any, of tenants and persons in possession, if any; (4) All violations of any local, State or Federal Government having jurisdiction thereof existing at the time of closing; (5) Building restrictions and zoning regulations in force at the time of the delivery of the deed and covenants, restrictions of record, and easements affecting the subject property; (6) The trust fund provisions of section thirteen of the Lien Law; and (7) All provisions of the Standard Terms and Conditions of Sale in force and effect at the time of the Sale that are applicable.

In the event of the acquisition by the City of New York, by condemnation or otherwise, of any part or portion of the premises herein granted (except for the portion of the premises herein granted containing a building as of the date of this deed), lying within the bed of any street, avenue, parkway, expressway, park, public place or catch-basin, as said street, avenue, parkway, expressway, park, public place or catch-basin is shown on the present City Map, the second party, the heirs or successors and assigns of the second party, shall only be entitled as compensation for such acquisition by the City to the amount of One Dollar, and shall not be entitled to compensation for any buildings or structures erected thereon after October 19, 1994 within the lines of the street, avenue, parkway, expressway, park, public place or catch-basin so laid out and acquired. This covenant shall be binding upon and run with the land and shall endure until the second party, the heirs or successors and assigns of the second party, obtains a written release of this covenant executed by the Deputy Commissioner of General Services, Division of Real Estate Services or a person designated by the City's Mayor who may in his sole discretion execute such release if the City Map has already been changed so as to eliminate the lines of said street, avenue, parkway, expressway, park, public place or catch-basin from any part or portion of the premises. If the City Map has not been so changed, the said officer may execute such a release after authorization by the City's Mayor. The second party, the heirs or successors and assigns of the second party shall pay such consideration for the release as said officer shall deem appropriate.

**IN WITNESS WHEREOF**, the party of the first part has caused these presents to be subscribed to by the Assistant Commissioner of General Services, Division of Real Estate Services and by the City Clerk and its corporate seal to be hereunto affixed the day and year first above written.

THE CITY OF NEW YORK

By: Lori Friestein  
Assistant Commissioner  
Department of General Services,  
Division of Real Estate Services

By: Robert Nygaard  
City Clerk

By: Robert Nygaard  
ROBERT NYGAARD

Approved As To Form:

Theodore K. Okun  
Theodore K. Okun  
Assistant Corporation Counsel,

REEL 4201 PAGE 1928

STATE OF NEW YORK, )  
COUNTY OF NEW YORK ) ss.:

On this 27<sup>th</sup> day of September, 1995, before me personally came **LORI FIERSTEIN** to me known and known to me to be the Deputy Commissioner of the Department of General Services, Division of Real Property of the City of New York and the same person who executed the foregoing Deed, and she acknowledged that she executed the foregoing Deed on behalf of the City of New York as said Deputy Commissioner of the Department of General Services, Division of Real Estate Services pursuant to the authority vested in her by authorization of the Mayor, date and Calendar number set forth in the within instrument.

STATE OF NEW YORK, )  
COUNTY OF NEW YORK ) ss.:

*Peter Byrne*  
PETER BYRNE  
NOTARY PUBLIC, State of New York  
No. 01BY4608487  
Qualified in Queens County  
Commission Expires October 31, 1996

On this 27<sup>th</sup> day of September, 1995, before me personally came **CARLOS CUEVAS**, with whom I am acquainted and known to me to be the City Clerk of The City of New York, who being by me duly sworn, did depose and say that he resides at 750 Kappock Street, Bronx, N.Y. 10463; that he is the City Clerk of the City of New York, the municipal corporation described in and which executed the foregoing Deed; that he knows the seal of said corporation; that the seal affixed to said Deed is such seal; that it was so affixed as provided by law, and that he signed his name thereto as City Clerk by like authority.

*Ann Marie Neary*  
ANN MARIE NEARY  
Commissioner of Deeds  
City of New York No. 1-6053  
Certificate Filed in New York County  
Commission Expires May 1, 1997

STATE OF NEW YORK, )  
COUNTY OF NEW YORK ) ss.:

On this 28 day of September, 1995 before me personally came **ROBERT NYGAARD** to me known to be the individual described in and who executed the foregoing deed and rider(s) and acknowledged that (s)he executed the same.

STATE OF NEW YORK )  
COUNTY OF NEW YORK ) ss.:

*Lisa A. Bova-Hatt*  
LISA A. BOVA-HATT  
Public. State of New York  
No. 01BOS15159  
Qualified in Kings County  
Commission Expires July 13, 1997

On the day of                   , 19          , before me personally came to me known, who, being by me duly sworn, did depose and say that he resides at                   ; that s/he is the President of the corporation described in which executed foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation; and that s/he signed his/her name thereto by like order.

F-965158-Q

DEED

BLOCK: 11952  
LOT: 57  
COUNTY: QUEENS

THE CITY OF NEW YORK

TO  
ROBERT NYGAARD

Record and return to:  
*Robert Nygaard*  
4201 North Ocean Blvd.  
Boca Raton, Fla.

33431

**CITY REGISTER RECORDING AND ENDORSEMENT PAGE**

**- QUEENS COUNTY -**

*(This page forms part of the instrument)*

Block(s) 11952  
Lot(s) 57  
\_\_\_\_\_  
QUEENS

Record & Return to: ROBERT ANGAARD  
4201 NORTH OCEAN BLVD  
ACCA RATON, FLA. 33431  
Title/Agent Company name: WINTERS LANDSEARCH CORP.  
Title Company number: F-965158-Q

**OFFICE USE ONLY - DO NOT WRITE BELOW THIS LINE**

**THE FOREGOING INSTRUMENT WAS ENDORSED FOR THE RECORD AS FOLLOWS:**

Examined by (a): J

Mige Tax Serial No.	
Mige Amount	\$
Taxable Amount	\$

Exemption (✓) YES  NO

Type: 339EE [ 255 ] [ OTHER ]

Dwelling Type: [ 1 to 2 ] [ 3 ] [ 4 to 6 ] [ OVER 6 ]

**TAX RECEIVED ON ABOVE MORTGAGE ▼**

County (basic)	\$
City (Addr'l)	\$
Spec Addr'l	\$
TASF	\$
MTA	\$
NYCTA	\$
<b>TOTAL TAX</b>	\$

Apportionment Mortgage (✓) YES  NO

085351 DEED 0-03 13-01 1995 Joy A. Brown, City Register

City Register  
Serial Number

**062122**

Indexed  
By (a): \_\_\_\_\_

Verified  
By (a): \_\_\_\_\_

Block(s) and Lot(s) verified by (✓):

Address  Tax Map

Extra Block(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_

Recording Fee A \$ 37

Affidavit Fee (C) \$ \_\_\_\_\_

TP-584/582 Fee (Y) \$ 1

PTT Fee (R) \$ 25

HPD-A  HPD-C

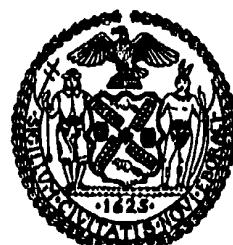
**New York State Real Estate Transfer Tax ▼**

\$ 70

Serial  
Number **004419**

**New York City Real  
Property Transfer Tax  
Serial Number** **018753**

**New York State  
Gains Tax  
Serial Number**



**RECORDED IN QUEENS COUNTY  
OFFICE OF THE CITY REGISTER**

1995 OCT 13 P 2:35

Witness My Hand and Official Seal

City Register

CRF4990.BPG 1/93

48-H-984