

At a Special Term of the Supreme Court, I.A.S. Part 24 thereof,  
held in and for the County of New York, at the County  
Court House, in said County on the \_\_\_\_\_ day of  
\_\_\_\_\_, 2003.

PRESENT:

HON. MARTIN SCHOENFELD

Justice.

IN THE MATTER OF

Consolidated Index No. 209012/95

The Home Insurance Company, successor-in-interest to  
Olympia & York Maiden Lane Company,

Petitioner,

- against -

THE TAX COMMISSION OF THE CITY OF NEW  
YORK AND THE DEPARTMENT OF FINANCE,

Respondents.

<u>Tax Year</u>	<u>Index No.</u>	<u>Year</u>
1991/92	50068	1991
1992/93	50067	1992
1993/94	204858	1993
1994/95	204093	1994
1995/96	209012	1995

This proceeding having been instituted to review the assessments upon the real property located in the Borough of Manhattan of the above named petitioner designated as Block 67 Lot 1,

NOW, upon reading and filing the petition for review of real property assessment and/or the petition, order and writ of certiorari, the offer to allow judgment including the consent of the attorneys for the parties hereto, it is

ORDERED that the said assessments set forth in the annexed offer to allow judgment be reduced and fixed at the amounts stated in the column "Corrected Assessed Valuation" in said order, and it is further

ORDERED that the above proceedings are hereby consolidated into one proceeding and said consolidated proceeding shall be captioned and indexed as above, and it is further

ORDERED AND DIRECTED that the officer or officers having custody of the assessment roll or the tax roll upon which the above mentioned assessment and any taxes levied thereon have been entered shall forthwith correct the said entries in conformity to this judgment, and shall note upon the margin of the said roll opposite the said entries that the same have been corrected by the authority of this judgment, and it is further

ORDERED AND DIRECTED that, unless sooner paid, there shall be audited and allowed to the petitioner and included in the tax levy of The City of New York, made next and after the entry of this order, and paid to the petitioner the amounts, if any, paid by the said petitioner as taxes against the said erroneous assessment in excess of what the taxes would have been if the said assessment has been made as determined by this order, without interest thereon, but with the amount of interest, if any, paid on such excess by reason of delinquent payment.

Enter,

J.S.C.

Dec-01-03 04:11pm From-PPM&V, LDME IN

+2123083630

T-256

P.003/004

F-821

COUNTY OF NEW YORK

IN THE MATTER OF

Offer to Allow Judgment

The Home Insurance Company, successor-in-interest to  
Olympia & York Maiden Lane Company,

Consolidated Index No. 209012/95

Petitioner,

- against -

Block 67 Lot 1  
Location: 59 Maiden Lane  
Borough: Manhattan

THE TAX COMMISSION OF THE CITY OF NEW  
YORK AND THE DEPARTMENT OF FINANCE,

Respondents.

It is hereby stipulated and agreed by the undersigned that final judgment be entered herein reducing the assessed valuations to the amounts stated in the column "Corrected Assessed Valuation":

Tax Year	Assessed Valuations		Value Claimed	Corrected Assessed Valuation	Amount of Reduction
	Land	Total			
1991/92	\$45,000,000	\$100,800,000	\$70,000,000	\$37,450,000	\$63,350,000
1992/93	\$45,000,000	\$94,050,000	\$67,500,000	\$37,450,000	\$56,600,000
1993/94	\$45,000,000	\$82,803,240	\$56,250,000	\$80,100,000	\$2,703,240
1994/95	\$45,000,000	\$80,100,000	\$56,250,000	\$80,100,000	\$0
1995/96	\$42,300,000	\$77,400,000	\$35,000,000	\$77,400,000	\$0

without interest on any refund of excess taxes paid.

Dated, New York, October , 2003.

POTTISH FREYBERG; MARCUS & VELAZQUEZ, LLP  
Attorney for Petitioner

STATE AND COUNTY OF NEW YORK, ss.:

JOEL R. MARCUS, being duly sworn, says, that he is one of the attorneys associated with the attorney for the petitioner herein; that he is duly authorized to make and accept said offer in behalf of the petitioner and to consent to the entry of a judgment adjudging as above, and consents to the entry of the said judgment without further notice.

I further certify that a Request for Judicial Intervention has been filed with the Court, and the appropriate fee paid, for each of the petitions covering the tax years noted above and bearing the index numbers appearing on, and disposed of, by the Court's Order.

It is further stipulated that, after the entry of a judgment in accordance with this stipulation of settlement, if petitioner or any individual or entity acting on petitioner's behalf is convicted of, or enters a plea of guilty to, a crime related to the assessed value of the property in the within proceeding, the judgment shall be deemed vacated and the petitioner shall forthwith return all funds remitted hereunder to respondents.

Sworn to before me this  
day of October, 2003.

Approved:

Signature: JOEL R. MARCUS  
Address: 641 Lexington Avenue, New York, N.Y. 10022  
Tel.: (212) 308-7070

Deputy Comptroller

STATE AND COUNTY OF NEW YORK, ss.:

, Acting Corporation Counsel of the City of New York, an Attorney at Law, under penalty of perjury affirms and says, that he has been vested with the powers of the Corporation Counsel, who is attorney for the respondents in the above-entitled proceeding, for the purposes of this offer. That defendant is duly authorized to make and accept the foregoing offer of judgment by virtue of said designation, and has subscribed the same pursuant to such authority.

Dated:

Acting Corporation Counsel

Please take notice that a Judgment, of which  
the within is a copy, was this day duly filed in  
the office of the Clerk of the County of

New York....., 200

Yours, etc.,

Michael A. Cardozo

Corporation Counsel

100 CHURCH STREET

ROOM 5G14

NEW YORK, N.Y. 10007

TBL. 788-0412, 0413

To

....., Esq.,  
Attorney for Petitioner

COUNTY CLERK'S CONSOLIDATED  
INDEX NUMBER  
209012 YEAR 1995

**NEW YORK SUPREME COURT,**  
COUNTY OF NEW YORK

IN THE MATTER OF

The Home Insurance Company, successor-in-interest  
to Olympia & York Maiden Lane Company,

Petitioner,

vs

THE TAX COMMISSION OF THE CITY OF NEW  
YORK AND THE DEPARTMENT OF FINANCE,

Respondents.

**JUDGMENT  
AND NOTICE OF ENTRY**

MICHAEL A. CARDOZO

Corporation Counsel,  
Attorney for Respondents,  
100 Church Street,  
New York, N.Y. 10007

Due service of a copy of the within Stipulation and Notice of  
Filing is hereby admitted.

Dated, New York.....200

.....  
Attorney for Petitioner.

To

..... Esq.,  
Attorney for Petitioner.