

## Occupy Spring St.: Trump SoHo to Give 90% Refunds on Deposits

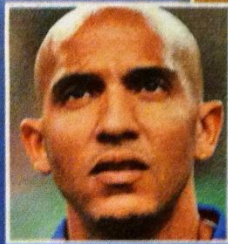
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### EXCLUSIVE

#### Sweet refund

The long-running legal tussle between the Trump SoHo and unhappy condo hunters, including French soccer star Olivier Dacourt (below left), was finally settled yesterday by the would-be buyers' lawyer Adam Leitman Bailey (right). The jilted buyers will get a staggering 90 percent of their deposits back.



They cried "fraud!" -- and now, a bunch of well-heeled apartment hunters will get a staggering 90 percent of their deposits back on posh pads they intended to buy at the troubled Trump SoHo condo-hotel because they relied on the developers' "deceptive" sales figures.

In a federal lawsuit settled yesterday, woulda-been buyers of 10 condos -- including former French soccer star Olivier Dacourt -- will get back 90 percent of \$5.197 million total deposits they put down on \$16.914 million worth of David Rockwell-designed luxury apartments, court documents show.

Their suit claimed the sponsors "fraudulently misrepresented" the number of apartments that had previously been sold at Trump SoHo.

The sponsors are Bayrock Group and the Sapir Organization. Although the Trump Organization manages the 46-story tower and is a joint-venture partner with Bayrock and Sapir,

Donald Trump is not the developer, nor is he involved in the 391-unit condo conversion.

The buyers sued last February, claiming apartments had been advertised as being "30, 40, 50, or 60 percent" sold when in fact only 16 percent had been sold at the time the conversion plan was declared defective.

The disgruntled buyers were represented by **Adam Leitman Bailey**, the lawyer who has won large refunds on deposits for prospective purchasers at other high-profile condo projects.

**Bailey** said, "We are not superheroes -- we simply got Trump SoHo to do the right thing in a very difficult case."

Steven Goldman, a lawyer for the defendants, said, "There was no admission of guilt or liability at all. I'm pleased for my clients that Adam recognized he had a difficult case. It was time to go on."

Ivanka Trump, who manages the hotel, said, "Business is so strong that we're delighted to get the units back. It's a great settlement for everyone."

Condo sales were hobbled at the outset by its Spring Street location on SoHo's far-western fringe and by rules limiting owners' occupancy of their apartments to 120 days a year and no more than 29 days at a time.

That was to allow the project to meet zoning requirements that it be a commercial hotel, not residential, in order to allow its great size and height in the low-rise neighborhood -- a controversy that dogged the project from day one.

Although the hotel rooms have rented briskly, sales data remain hard to pin down.

Last winter, Bayrock slashed asking prices by 21 percent from original prices of \$3,000 a square foot. At the time it was reported that sales had closed on only 45 apartments.

A rep for Douglas Elliman Development Marketing, which became the sales agent in July but was not involved in earlier marketing, declined to comment.