

DUE DILIGENCE REPORT

[REDACTED]
NEW YORK, N.Y. 10027
[REDACTED]

HPD MULTIPLE DWELLING REGISTRATION [REDACTED]
DHCR REGISTRATION IDENTIFICATION #: N/A

PREPARED FOR

[REDACTED]
[REDACTED]

PREPARED BY

ADAM LEITMAN BAILEY, P.C.
120 BROADWAY, SEVENTEENTH FLOOR
NEW YORK, NEW YORK 10271
(212) 825-0365
www.alblawfirm.com

July 31, 2015

Introduction

This report includes our due diligence research findings and analysis of the building located at [REDACTED] New York, N.Y. 10027 (Manhattan Block 1951, Lot 7). As previously reported, we ruled out the need for rent regulatory due diligence, since the building is properly used as a church in compliance with the Certificate of Occupancy filed at the Department of Buildings and since the only person residing at the building is the pastor of the church, [REDACTED]. So long as the building is delivered vacant at closing, we do not see any issues of concern from a landlord-tenant law perspective.

The due diligence research reported here is based on court investigations and our review of the status of any open violations issued against the building by the Department of Housing Preservation and Development of the City of New York and the New York City Department of Buildings.

In court investigations, we searched the files of the Supreme Court of the State of New York, New York County, the Civil Court of the City of New York and the Housing Court of the City of New York for past and pending litigation with respect to the building, [REDACTED].

[REDACTED] Our court investigations also included a review of any judgments and liens held against the property.

Our investigations produced the following results.

Overview of the Building

The building is properly used as a church and consists of four stories. The Certificate of Occupancy issued by the Department of Buildings on or about April 21, 1977, authorizes the cellar level for use as a boiler room and storage, the 1st floor as a church, the 2nd floor as a kitchen and accessory dining room and the 3rd level as “vacant”. We recommend you walk through the building, if you have not already, to confirm that the actual use of each floor is consistent with the use allowed by the Certificate of Occupancy for the building. We provide a copy of the Certificate of Occupancy with this report.

Chain of Title Issue Identified

¹ The Department of Buildings’ “Buildings Information System” identifies the building as [REDACTED] New York, N.Y. while the Certificate of Occupancy filed in 1977 identifies the building as [REDACTED].

A correction deed for the property located at [REDACTED] Brooklyn, N.Y. is recorded under the block and lot for this building. Jack Erdos, Esq., is already investigating and working with a title company to deal with this obvious chain of title issue. We provide a copy of the St. James Place deed as well as the deed for this property together with this report for your reference.

Please note that our due diligence research does not usually deal with title issues like the one identified here. Since we review the ACRIS filings for the building to identify the party names to run in court investigations, we often uncover chain of title issue such as the one identified here. But please be advised that our research is not a substitute for a full title report that you may choose to run even at this stage of the deal.

New York City Violations Issued Against the Building

NYC Department of Buildings (DOB)

The DOB Property Profile Overview for this building is provided below.

NYC Department of Buildings Property Profile Overview

[REDACTED]		[REDACTED]		[REDACTED]	
HANCOCK PLACE	19 - 23	Health Area	: 1400	Tax Block	[REDACTED]
DR M L KING JR	362 - 370	Census Tract	: 209.01	Tax Lot	[REDACTED]
BOULEVARD					
WEST 125 STREET	362 - 370	Community Board	: 109	Condo	: NO
		Buildings on Lot	: 1	Vacant	: NO

[View DCP Addresses...](#)

[Browse Block](#)

[View Zoning Documents](#)

[View Challenge Results](#)

[Pre - BIS PA](#)

[View Certificates of Occupancy](#)

Cross Street(s): [REDACTED], MORNINGSIDE AVENUE

DOB Special Place Name:

DOB Building Remarks:

Landmark Status: **Special Status:** N/A

Local Law: NO **Loft Law:** NO

SRO Restricted: NO **TA Restricted:** NO

UB Restricted: NO

Environmental HAZMAT/NOISE/AIR Grandfathered Sign: NO

Restrictions:

Legal Adult Use: NO **City Owned:** NO

Additional BINs for Building: NONE

Special District: 125 - 125TH STREET

This property is not located in an area that may be affected by Tidal Wetlands, Freshwater Wetlands, Coastal Erosion Hazard Area, or Special Flood Hazard Area. [Click here for more information](#)

Department of Finance Building Classification: [REDACTED] SYNAGOGUE

Please Note: The Department of Finance's building classification information shows a building's tax status, which may not be the same as the legal use of the structure. To determine the legal use of a structure, research the records of the Department of Buildings.

	Total	Open	Elevator Records
Complaints	6	0	Electrical Applications
Violations-DOB	11	3	Permits In-Process / Issued
Violations-ECB (DOB)	1	1	Illuminated Signs Annual Permits
Jobs/Filings	4		Plumbing Inspections
ARA / LAA Jobs	1		Open Plumbing Jobs / Work Types
Total Jobs	5		Facades
Actions	141		Marquee Annual Permits

OR Enter Action Type:

OR Select from List:

AND

- [Boiler Records](#)
- [DEP Boiler Information](#)
- [Crane Information](#)
- [After Hours Variance Permits](#)

DOB Violations

As you can see on the above Property Profile Overview, there are three open DOB violations and one open Environmental Control Board violation. Your contract negotiations should ensure that either these violations be corrected and certified before the DOB or a credit issued to cover your exposure to fines, if any, and the costs to correct the violations. For your ready reference, details on the four open violations are below.

NYC Department of Buildings

DOB Violation Display for [REDACTED]

Premises: [REDACTED] STREET MANHATTAN BIN: [REDACTED] Block: [REDACTED] Lot: [REDACTED]

Issue Date: 02/26/1991 Violation V - DOB VIOLATION -

Violation Type: C - CONSTRUCTION

Category: ACTIVE

Violation Number: [REDACTED]

Device No.:

ECB No.:

Infraction Codes:

Description:

Disposition:

Code: Date:

Inspector:

Comments:

NYC Department of Buildings

DOB Violation Display for [REDACTED]

Premises: [REDACTED]

BIN: [REDACTED] Block: [REDACTED]
Lot: [REDACTED]

Issue Date: 12/31/2009

Violation Category: V - DOB VIOLATION - ACTIVE

Violation Type: LBLVIO - LOW PRESSURE BOILER

Violation Number: [REDACTED]

Device No.: [REDACTED] - 01- COMMERCIAL

ECB No.:

Infraction Codes:

Description:

Click [here](#) to view the Civil Penalty Chart.

Disposition:

Code: Date:

Inspector:

Comments:

NYC Department of Buildings

DOB Violation Display for [REDACTED]

Premises: [REDACTED] STREET MANHATTAN

BIN: [REDACTED] Block: [REDACTED] Lot: [REDACTED]

Issue Date: 12/13/2011

Violation Category: V - DOB VIOLATION - ACTIVE

Violation Type: LBLVIO - LOW PRESSURE BOILER

Violation Number: [REDACTED]

Device No.: [REDACTED] - 01-
COMMERCIAL

ECB No.:

Infraction Codes:

Description: VIOLATION ISSUED FOR FAILURE TO FILE ANNUAL BOILER 2010 INSPECTION REPORT

Click [here](#) to view the Civil Penalty Chart.

Disposition:

Code: Date:

Inspector:

Comments:



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

NYC Department of Buildings

ECB Violation Details

Premises: [REDACTED] STREET Filed At: [REDACTED],
MANHATTAN MANHATTAN , NY 10027

BIN: [REDACTED] Block: [REDACTED] Lot: [REDACTED] Community Board: 109

ECB Violation Summary VIOLATION OPEN

ECB Violation Number: [REDACTED]

Severity: HAZARDOUS Certification Status: NO COMPLIANCE RECORDED

Penalty Balance Due: \$0.00 Hearing Status: IN VIOLATION

Respondent Information

Name: [REDACTED]

Mailing Address: [REDACTED] NY , NY 10027

Violation Details

Violation Date: 01/18/1999 Violation Type: CONSTRUCTION

Served Date: 01/30/1999 Inspection Unit:

Infraction Codes	Section of Law	Standard Description
B6A	27-127	FAILURE TO MAINTAIN EXTERIOR BUILDING WALL (HAZARDOUS)

Specific Violation Condition(s) and Remedy:

FAILURE TO MAINTAIN EXTERIOR BLDG WALL. THE DECORATIVE, ALUMINUM SIDING AT THE FRONT PARAPET IS MISSING & DEFECTIVE. THE MASONRY AT THE SAME LOCATION (FRONT/WEST) IS LOOSE, BROKEN, MISSING & IN DANGER O

Issuing Inspector ID: 0051

DOB Violation Number:



Issued as Aggravated Level: NO

Dept. of Buildings Compliance History and Events

Certification Status: NO COMPLIANCE RECORDED

Compliance On:

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

ECB Hearing Information

Scheduled Hearing

Date/Time: 03/18/1999 10:30

Hearing Status:

IN VIOLATION

ECB Penalty Information

Penalty Imposed: \$800.00

Adjustments: \$0.00

Penalty Balance Due: \$0.00

Amount Paid:

\$800.00

Department of Housing Preservation and Development of the City of New York ("HPD")

We provide the HPD Building Registration Summary Report for the building below. Since the building is operated as a church and so is not a multiple dwelling as defined by the Housing Maintenance Code, it does not need to be registered with HPD annually. Nonetheless, we note that there are no violations considered open by HPD.

7/31/2015
051215

Services

--- Select ---

[Home](#)

The selected address:



HPD#



Activ

e



One and two family properties are not required to register with HPD unless neither the property owner on the premises. Owners of these properties can register after obtaining a Registration Number. For more information on Registration Number and register, please return to the HPD home page and search for

No violations were retrieved.

Property Shark Report

We provide a copy of the Property Shark Report for the building together with this report. It includes information pertaining to the neighborhood, ownership, property tax assessment, zoning and size.

Court Investigations

Housing and Civil Court Cases

We ran party name and building address searches on the databases of the Housing and Civil Court. The party names we searched are

[REDACTED] the person who holds the St. James Place deed which is erroneously recorded against this building. We did not find any past or pending litigation in Housing and Civil Court.

Supreme Court

We ran the same party name and building address searches on the databases of the Supreme Court of the State of New York, New York County, and did not find any past or present litigation involving the parties or the building.

We ran a judgment and lien search by block and lot number and found one sidewalk lien issued on September 21, 1993. Generally, a sidewalk lien is placed against a property by the City of New York after it undertakes to cure a sidewalk condition that was not timely cured by the property owner. That lien was cancelled on August 9, 1994. We did not find any other judgments or liens against the

building. Screenshots² of details on the 1993 sidewalk lien are provided with this report.

As you know, customarily prior to closing a title search is run on the property which provides a more complete and up to date picture of the liens held against the property.

² The printer at the courthouse was broken at the time we conducted our court investigations research. Our paralegal photographed the pertinent screens with his smartphone.

Conclusion

Only one regulatory issue stands out in this investigation: the failure to file a boiler inspection. This can be a red flag for the maintenance of the boiler and we recommend that you look into this carefully. The issue with regard to exterior walls, we have to assume, already came to your attention when you looked at the building yourself.

There are no other issues that come to mind and there is nothing particular noteworthy about this property, from a regulatory point of view.