| Message      |  |
|--------------|--|
| From:        | Sharon Hwang [shwang@trumporg.com]   |
| Sent:        | 2/2/2012 6:47:26 PM  |
| То:          | Rand Boyers Peppas (rand.peppas@dlapiper.com) [rand.peppas@dlapiper.com]; Scott Weinberg                     |
|              | [Scott.Weinberg@dlapiper.com]; Michael Twersky [michael.twersky@dlapiper.com]                                |
| CC:          | Jack Weisselberg [Jack.Weisselberg@laddercapital.com]; Allen Weisselberg [weisselberg@trumporg.com]; Jason   |
|              | Greenblatt [jgreenblatt@trumporg.com]; Bradley Cox [bcox@trumporg.com]                                       |
| Subject:     | Trump Tower Condo Declaration Amds 1-13 - Email 2 of 3   |
| Attachments: | 13th Amendment to Declaration - Trump Tower 39CD.pdf; 1st Amendment to Declaration - Trump Tower.pdf; 2nd    |
|              | Amendment to Declaration - Trump Tower 62AB.pdf; 3rd Amendment to Declaration - Trump Tower.pdf; 4th         |
|              | Amendment to Declaration - Trump Tower 55.65EGH.pdf; 5th Amendment to Declaration - Trump Tower              |
|              | 58HLM.pdf; 6th Amendment to Declaration - Trump Tower 61AB.pdf; 7th Amendment to Declaration - Trump Tower   |
|              | 34AB.pdf; 8th Amendment to Declaration - Trump Tower 34EF.pdf; 9th Amendment to Declaration - Trump Tower re |
|              | 43.44C.pdf; 10th Amendment to Declaration - Trump Tower 39AB.pdf; 11th Amendment to Declaration - Trump      |
|              | Tower re 59CDM.pdf; 12th Amendment to Declaration - Trump Tower re 42EF.pdf                                  |

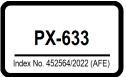
A11:

As indicated in the previous email, attached please find the Trump Tower Condominium Declaration Amendments 1-13.

Best regards,

Sharon Hwang The Trump Organization

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|---|--|---|---|---|
| NYC DEPARTMENT OF D<br>OFFICE OF THE CITY R<br>This page is part of the instrument<br>Register will rely on the information<br>by you on this page for purposes of<br>this instrument. The information of<br>will control for indexing purposes<br>of any conflict with the rest of the   | EGISTER<br>. The City<br>n provided<br>of indexing<br>n this page<br>in the event<br>document.   |   | 2001001E5128  |   |
|   | RECORDING AND ENI  |   |   | PAGE 1  |
| <b>Document ID: 2007102200</b><br>Document Type: AMENDED<br>Document Page Count: 5  |  | Date: 07-24-2007  | Preparation   | Date: 10-22   |
| PRESENTER:<br>REAL ESTATE DEPT.<br>KRAMER LEVIN NAFTALI<br>1177 AVENUE OF THE AMI<br>NEW YORK, NY 10036<br>212-715-9100   |  | RETURN TO:<br>REAL ESTATE DEP<br>KRAMER LEVIN N.<br>1177 AVENUE OF T<br>NEW YORK, NY 10<br>212-715-9100 | AFTALIS & FRANK<br>HE AMERICAS  | EL LLP  |
| Property Type: 5<br>Borough Block  <br>MANHATTAN 1292   | Lot     Unit       076     Entire Lot     39C       SINGLE RESIDENTIAL CO       Lot     Unit       077     Entire Lot     39D       SINGLE RESIDENTIAL CO  | Address<br>721 5 AVENUE<br>ONDO UNIT  | emp Tower   | <b>n</b> .  |
| CRFN: 2006000609602   | CROSS REF  | FERENCE DATA  |   |   |
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# CONDOMINIUM PLAN NUMBER: 86-\_\_\_ AMENDMENT TO CONDOMINIUM NUMBER: 86

# THIRTEENTH AMENDMENT TO

# THE DECLARATION OF TRUMP TOWER CONDOMINIUM

Establishing a Plan for Condominium Ownership of the Trump Tower Condominium at the premises known as 721 Fifth Avenue, New York, New York 10022. Pursuant to Article 9-B of the Real Property Law of the State of New York.

# SPONSOR:

The Trump-Equitable Fifth Avenue Company, having an office care of The Trump Organization, 725 Fifth Avenue, New York, New York

| Name of Condominium:                         | Trump Tower Condominium  |
|--|--|
| Address of Condominium:                      | 721 Fifth Avenue<br>New York, New York 10022   |
| Date of Declaration:                         | February 24, 1983  |
| Date of Thirteenth Amendment to Declaration: | As of July 24, 2007  |
| Prepared by:                                 | Kramer Levin Naftalis & Frankel LLP<br>1177 Avenue of the Americas<br>New York, New York 10022 |

The land affected by the within instrument lies in Block 1292, f/k/a Lots 1076 and 1077, n/k/a Lot 1076 of the Tax Map of the County of New York, City and State of New York.

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# THIRTEENTH AMENDMENT TO THE DECLARATION OF TRUMP TOWER CONDOMINIUM

# (Pursuant to Article 9-B of the Real Property Law of the State of New York)

The Residential Board of Trump Tower Condominium, having an office in care of The Trump Corporation, 725 Fifth Avenue, New York, New York 10022 (the "Residential Board") does hereby declare as follows:

1. This is the Thirteenth Amendment of that certain declaration (the "Original Declaration") establishing a plan for condominium ownership of the Building and the Land on which same is erected comprising Trump Tower Condominium, made by The Trump-Equitable Fifth Avenue Company, as Sponsor, pursuant to the Condominium Act of the State of New York (Article 9 of the Real Property Law of the State of New York), which Declaration is dated February 24, 1983 and was recorded in the New York County Office of the Register of The City of New York ("City Register's Office") on March 23, 1983 as Plan No. 86 in Reel 674, page 848, as modified by: (i) the First Amendment to Declaration of Trump Tower Condominium (the "First Amendment"), dated as of October 11, 1994 and recorded in the City Register's Office as Plan No. 86A in Reel 2159, page 0340; (ii) the Second Amendment to Declaration of Trump Tower Condominium (the "Second Amendment"), dated as of April 4, 1997 and recorded in the City Register's Office as Plan 86B in Reel 2465, page 950; (iii) the Third Amendment to Declaration of Trump Tower Condominium (the "Third Amendment"), dated as of July 15, 1997 and recorded in the City Register's Office as Plan No. 86C in Reel 2523, page 0880; (iv) the Fourth Amendment to Declaration of Trump Tower Condominium (the "Fourth Amendment"), dated as of August 30, 2000 and recorded in the City Register's Office in Reel 3254, page 1211; (v) the Fifth Amendment to Declaration of Trump Tower Condominium (the "Fifth Amendment"), dated as of June 1, 2003 and recorded in the City Register's Office as Plan No. 86D in Reel 674, page 848, (vi) the Sixth Amendment to Declaration of Trump Tower Condominium (the "Sixth Amendment"), dated as of August 19, 2003, recorded in the City Register's Office as Plan No. 86E and CRFN 2003000369076, (vii) the Seventh Amendment to Declaration of Trump Tower Condominium (the "Seventh Amendment"), dated as of January 12, 2004, recorded in the City Register's Office as Plan No. 86F and CRFN 2004000257231, (viii) the Eighth Amendment to Declaration of Trump Tower Condominium (the "Eighth Amendment"), dated as of January 12, 2004, recorded in the City Register's Office as Plan No. 86G and CRFN 2004000277096, (ix) the Ninth Amendment to Declaration of Trump Tower Condominium (the "Ninth Amendment"), dated as of March 31, 2005, recorded in the City Register's Office as Plan No. 86H and CRFN 2005000309119, (x) the Tenth Amendment to Declaration of Trump Tower Condominium (the "Tenth Amendment"), dated as of November 29, 2005, recorded in the City Register's Office as Plan No. 86I and CRFN 2006000215713, (xi) the Eleventh Amendment to Declaration of Trump Tower Condominium (the "Eleventh Amendment"), dated as of August 15, 2006, recorded in the City Register's Office as Plan No. 86J and CRFN 2006000555495, (xii) the Twelfth Amendment to Declaration of Trump Tower Condominium (the "Thirteenth Amendment"), dated as of August 15, 2006, recorded in the City Register's Office as Plan No. 86-K and CRFN 2006000609602, (the Original Declaration, as amended by the First Amendment, Second Amendment, Third Amendment, Fourth Amendment,

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Fifth Amendment, Sixth Amendment, Seventh Amendment, Eighth Amendment, Ninth Amendment, Tenth Amendment, Eleventh Amendment, and Twelfth Amendment is hereinafter collectively referred to as the "Declaration").

2. Schedule B to the Declaration (said Schedule being recorded in the City Register's Office in Reel 674 at pages 957 through 969) sets forth certain data with respect to each Unit necessary for the proper identification thereof, to wit: Unit designation, tax lot number, direction in which each Unit faces, approximate square foot area, number of rooms, the portions of the Common Elements to which the Unit has immediate access, and the percentage of interest in the Common Elements appurtenant to each Unit. Units 39 C and Unit 39 D have been combined with one another thereby forming combined Unit 39 CD. Accordingly, Schedule B to the Declaration is hereby amended to reflect such alterations as follows:

(1) The reference to Unit 39 C and all data set forth in Schedule B to the Declaration pertaining to Unit 39 C, in the following chart, and the reference to Unit 39 D and all data set forth in Schedule B to the Declaration pertaining to Unit 39 D, in the following chart, are hereby deleted therefrom:

| Unit<br>Designation<br>(Apt. No.) | Tax<br>Lot<br>No. | Location (in Portion<br>of Building Facing<br>in the Direction Set<br>Forth Below | Approx.<br>Area<br>in<br>Sq. Ft. | Number<br>of<br>Rooms | Common Elements to<br>Which Unit Has<br>Immediate Access | Percentage<br>of Interest<br>in the Common<br>Elements |
|-----------------------------------|-------------------|---|----------------------------------|-----------------------|--|--|
| Unit 39 C                         | 1076              | North & East  | 1127.28                          | 3.5                   | Public corridor, fire stairs, elevators                  | .1984077   |
| Unit 39 D                         | 1077              | North & East  | 1092.00                          | 3.5                   | Public corridor, fire stairs, elevators                  | .1912729   |

(2) The aforementioned data with respect to Unit 39 CD (as combined) is hereby added to Schedule B to the Declaration as follows:

| Unit<br>Designation<br>(Apt. No.) | Tax<br>Lot<br>No. | Location (in Portion<br>of Building Facing<br>in the Direction Set<br>Forth Below | Approx.<br>Area<br>in<br>Sq. Ft. | Number<br>of<br>Rooms | Common Elements to<br>Which Unit Has<br>Immediate Access | Percentage<br>of Interest<br>in the Common<br>Elements |
|-----------------------------------|-------------------|---|----------------------------------|-----------------------|--|--|
| Unit 39 CD                        | 1076              | North & East  | 2219.28                          | 4                     | Public corridor, fire stairs, elevator                   | .3896806   |

(3) No Units other than Unit 39 C and 39 D are affected by this Thirteenth Amendment to the Declaration of Trump Tower Condominium.

3. That certain amendment to the Floor Plans of the Building, certified by Victor Famulari, Registered Architect, of the firm of Smith Palmer & Famulari, showing the floor plan for Unit 39 CB is intended to be filed in the City Register's Office as Condominium Plan No. 86-L simultaneously with the recording of this Thirteenth Amendment to the Declaration of Trump

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Tower Condominium. The said amendment to the Floor Plans of the Building replaces and supersedes the original floor plans for Unit 39 C and Unit 39 D certified by Swanke Hayden Connell & Partners, Architects, on February 2, 1983 and filed in the City Register's Office on March 23, 1983 as part of Condominium Plan No. 86.

4. All of the terms used in this Thirteenth Amendment shall have the same meaning as ascribed thereto in the Declaration.

5. The Declaration as amended by this Thirteenth Amendment is incorporated herein by reference with the same force and effect as if set forth at length. All rights, obligations, easements, restrictions and other provisions set forth in the Declaration which by the terms thereof are appurtenant or binding upon Unit 39 C and/or Unit 39 D, and the owner(s) thereof, shall be deemed to be appurtenant or binding upon combined Unit 39 CD and the owner thereof. Except as hereby amended, all other terms and provisions of the Declaration are hereby ratified and confirmed and shall remain in full force and effect.

6. The provisions of this Thirteenth Amendment to the Declaration shall be perpetual and be construed to be covenants running with the Land and every part thereof and interest therein, and all provisions hereof shall be binding upon and inure to the benefit of the owners of all or any part of the property, or interest therein, and his, its or their heirs, executors, administrators, legal representatives, successors and assigns.

7. If any provision of this Thirteenth Amendment to the Declaration, or any section, sentence, clause, phrase or word, or the application thereof shall in any circumstances be judicially held in conflict with the laws of the State of New York, then the said laws shall be deemed controlling and the validity, force and effect of the remainder of this Thirteenth Amendment to the Declaration and the application of any such provision, section, sentence, clause, phrase or word in other circumstances shall not be affected thereby.

IN WITNESS WHEREOF, the Residential Board has caused this Thirteenth Amendment to the Declaration to be executed as of this 24 day of July, 2007.

THE RESIDENTIAL BOARD OF TRUMP TOWER CONDOMINIUM

By: Ma MA Name: Sontof Faltson IK Title: And Secretary

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

On the <u>Market</u> day of <del>Sulp</del> in the year 2007 before me, the undersigned, personally appeared <u>Sulp</u> <u>datesnik</u>, personally known to me or proved to me on the basis of satisfactory endence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that be/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

idual taking Qualified in New York County Commission Expires September 5,2009



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| NYC DEPARTMENT OF<br>OFFICE OF THE CITY I  | REGISTER  |                                 |   |                       |                  |
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| <b>Document ID: 200710220</b><br>Document Type: CONSENT<br>Document Page Count: 4  |   |                                 | Date: 08-01-2007  |                       | Date: 12-19-2007 |
| PRESENTER:<br>REAL ESTATE DEPT.<br>KRAMER LEVIN NAFTAI<br>1177 AVENUE OF THE AN<br>NEW YORK, NY 10036<br>212-715-9100  |   | KEL LLP                         | RETURN TO:<br>REAL ESTATE DEPT.<br>KRAMER LEVIN NAFTA<br>1177 AVENUE OF THE A<br>NEW YORK, NY 10036<br>212-715-9100 |                       | EL LLP           |
| Property Type:<br>Borough Block<br>MANHATTAN 1292<br>Property Type:  | 1076 Entire<br>SINGLE RE<br>Lot<br>1077 Entire<br>SINGLE RE       | Unit<br>Lot 39D<br>SIDENTIAL CO | Address<br>721 5 AVENUE   |                       | mber             |
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|  |   | FEES A                          | AND TAXES   |                       |                  |
| Mortgage   |   |                                 | Filing Fee:   |                       |                  |
| Mortgage Amount:   | \$  | 0.00                            |   | \$                    | 0.00             |
| Faxable Mortgage Amount:           Exemption:  | \$  | 0.00                            | NYC Real Property Transfe   | er Tax:               | 0.00             |
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| MTA:   | \$  | 0.00                            |   | ITY OF NEW Y          |                  |
| NYCTA:   | \$  | 0.00                            |   | corded/Filed          | 12-19-2007 16:31 |
| Additional MRT:  | \$  | 0.00                            |   | y Register File No.(C |                  |
| TOTAL:   | <u> S</u>   | 0.00                            |   | 20                    | 07000620215      |
| Recording Fee:<br>Affidavit Fee:   | \$<br>\$  | <u>60.00</u><br>0.00            | Ga Ga   | nette Mf              | lill 🛛           |
|  |   |                                 | City  | Register Offic        | ial Signature    |

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#### **CONSENT**

# NEW JERSEY

The undersigned, REDEEMING LOVE CHRISTIAN CENTER, INC., a <u>A 501-C3</u> corporation, being the owner of the fee title to the residential units known as Unit 39 C and Unit 39 D in the premises known as Trump Tower Condominium and also known by the street numbers 721-725 Fifth Avenue, Borough of Manhattan, City, County and State of New York. said Units being designated and described as Unit No. 39 C and Unit No. 39 D in the declaration ("Original Declaration"), establishing a plan for condominium ownership of said premises under Article 9-B of the Real Property Law of the State of New York (the "New York Condominium Act") dated February 24, 1983, and recorded in the New York County office of the Register of The City of New York (the "City Register's Office") on March 23, 1983 in Reel 674, page 848, as modified by: (i) the First Amendment to Declaration of Trump Tower Condominium (the "First Amendment"), dated as of October 11, 1994 and recorded in the City Register's Office as Plan No. 86A in Reel 2159, page 0340; (ii) the Second Amendment to Declaration of Trump Tower Condominium (the "Second Amendment"), dated as of April 4, 1997 and recorded in the City Register's Office as Plan 86B in Reel, 2465, page 950; (iii) the Third Amendment to Declaration of Trump Tower Condominium (the "Third Amendment"), dated as of July 15, 1997 and recorded in the City Register's Office as Plan No. 86C in Reel, 2523, page 0880; (iv) the Fourth Amendment to Declaration of Trump Tower Condominium (the "Fourth Amendment"), dated as of August 30, 2000 and recorded in the City Register's Office in Reel 3254, page 1211; (v) the Fifth Amendment to Declaration of Trump Tower Condominium (the "Fifth Amendment"), dated as of June 1, 2003 and recorded in the City Register's Office as Plan No. 86D in Reel 674, page 848, (vi) the Sixth Amendment to Declaration of Trump Tower Condominium (the "Sixth Amendment"), dated as of August 19, 2003, and recorded in the City Register's Office as Plan 86E as CRFN 2003000369076, (vii) the Seventh Amendment to Declaration of Trump Tower Condominium (the "Seventh Amendment"), dated as of January 12, 2004, recorded in the City Register's Office as Plan No. 86F and CRFN 2004000257231, (viii) the Eighth Amendment to Declaration of Trump Tower Condominium (the "Eighth Amendment"), dated as of January 12, 2004, recorded in the City Register's Office as Plan No. 86G and CRFN 2004000277096, (ix) the Ninth Amendment to Declaration of Trump Tower Condominium (the "Ninth Amendment"), dated as of March 31, 2005, and recorded in the City Register's Office as Plan 86H and CRFN 2005000309119, (x) the Tenth Amendment to Declaration of Trump Tower Condominium (the "Tenth Amendment"), dated as of November 29, 2005, recorded in the City Register's Office as Plan No. 86I and CRFN 2006000215713, (xi) the Eleventh Amendment to Declaration of Trump Tower Condominium (the "Eleventh Amendment"), dated as of August 15, 2006 recorded in the City Register's Office as Plan No. 86J and CRFN 2006000555495, and (xii) the Twelfth Amendment to Declaration of Trump Tower Condominium (the "Twelfth Amendment"), dated as of August 15, 2006, recorded in the City Register's Office as Plan No. 86-K and CRFN 2006000609602, (the Original Declaration, as amended by the First Amendment, Second Amendment, Third Amendment, Fourth Amendment, Fifth Amendment, Sixth Amendment, Seventh Amendment, Eighth Amendment, Ninth Amendment, Tenth Amendment, Eleventh Amendment, and Twelfth Amendment is hereinafter collectively referred to as the "Declaration"), and also designated as Tax Lot Nos. 1076 and 1077 (respectively) in Block 1292 of Section 5 of the Borough of Manhattan on the Tax Map of the Real Property Assessment Department of The City of New York and on the Floor Plans of the Building, certified by Swanke Hayden Connell & Partners, Architects, on February 2, 1983, and filed in the City Register's Office on March 23,

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1983 as Condominium Plan No. 86 (the said Unit being located in the Building erected on the Land described in Schedule A attached hereto and made a part hereof),

DOES HEREBY CONSENT to (a) that certain amendment dated as of July 24, 2007, entitled Thirteenth Amendment to the Declaration of Trump Tower Condominium which, among other things, (i) deletes the reference to Unit 39 C and Unit 39 D and all data set forth in Schedule B to the Declaration pertaining thereto and (ii) adds to Schedule B to the Declaration certain data with respect to combined Unit 39 CD in order to reflect certain alterations to the said Unit and (b) that certain amendment to the Floor Plans of the Building, certified by Victor Famulari, Registered Architect, of the firm of Smith Palmer & Famulari., intended to be filed in the City Register's Office as Condominium Plan No. 86-L simultaneously with the recording of the said Thirteenth Amendment to the Declaration of Trump Tower Condominium, showing the floor plan for combined Unit 39 CD.

In executing this CONSENT, the undersigned does hereby represent and certify that (a) all construction and other work required to complete the physical combination of Units 39 C and 39 D into combined Unit 39 CD has been completed in accordance with applicable law; (b) all authorizations, permits, licenses and approvals required by and/or from any governmental and/or other authority in connection with the combination of said Units into combined Unit 39 CD have been issued; and (c) said combination of Units was effected in full compliance with all rules, regulations and requirements of the Trump Tower Condominium.

All capitalized terms used herein which are defined in the Declaration and are not separately defined herein shall have the meanings given to the said terms in the Declaration.

IN WITNESS WHEREOF, the undersigned owner of said Unit No. 39 CD has duly executed this Consent as of the <u>1</u> day of August, 2007.

REDEEMING LOVE CHRISTIAN CENTER, INC., a <u>501-C3</u> New VERSEY corporation BY: Name: Gr Title: Pastor/Director

| STATE OF NEW YORK )   |  |
|---|--|
| :   | SS.:   |
| COUNTY OF NEW YORK )  |  |
| On the $\int day day day day day day day day day day$                 | of $\underline{August}$ in the year 2007, before me, the undersigned,<br>$\underline{August}$ is a subscripted to me of the proved to me of the terms of the terms of the terms of the terms of t |
| personally appeared bregor  | <u>y L. Carr</u> , personally known to me or proved to me  |
| on the basis of satisfactory evid<br>the within instrument and acknow | ence to be the individual(s) whose name(s) is (are) subscribed to<br>owledged to me that he/she/they executed the same in his/her/their  |

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capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individuals(s) acted, executed the instrument.

(Signature and office of individual taking acknowledgment)

DIANA R. ESPOSITO Notary Public, State of New York Commissioned in Orange County, NY Registration No. 01ES6097501 My Commission Expires August 18, 20.07



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# SCHEDULE A TO

# CONSENT BY RESIDENTIAL UNIT OWNER TO THIRTEENTH AMENDMENT TO THE DECLARATION OF TRUMP TOWER CONDOMINIUM

# DESCRIPTION OF THE LAND

All that certain lot, piece or parcel of land, situate, lying and being in the Borough of Manhattan, City, County and State of New York, bounded and described as follows:

BEGINNING at the corner formed by the intersection of the Northerly side of East 56th Street with the Easterly side of Fifth Avenue; running

THENCE Easterly along the Northerly side of East 56th Street, 175 feet;

THENCE Northerly and parallel with the Easterly side of Fifth Avenue and part of the distance through a party wall, 100 feet 5 inches, to the center line of the block;

THENCE Westerly along the center line of the block, 50 feet;

THENCE Northerly and parallel with the Easterly side of Fifth Avenue, 15 feet;

THENCE Westerly and parallel with the Northerly side of East 56th Street, 125 feet to the Easterly side of Fifth Avenue; and

THENCE Southerly along the Easterly side of Fifth Avenue, 115 feet 5 inches, to the point or place of BEGINNING.

Said premises being known as 721-725 Fifth Avenue.

Block 1292 - Lot 1076+1077

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# FIRST AMENDMENT TO THE DECLARATION OF TRUMP TOWER CONDOMINIUM

(Pursuant to Article 9-B of the Real Property Law of the State of New York)

The Residential Board of Trump Tower Condominium, having an office in care of The Trump Corporation, 725 Fifth Avenue, New York, New York 10022 (the "Residential Board") does hereby declare as follows:

1. This is the First Amendment of that certain declaration (the "Declaration") establishing a plan for condominium ownership of the Building and the Land on which same is erected comprising Trump Tower Condominium, made by The Trump-Equitable Fifth Avenue Company, as Sponsor, pursuant to the Condominium Act of the State of New York (Article 9 of the Real Property Law of the State of New York), which Declaration is dated February 24, 1983 and was recorded in the New York County Office of the Register of The City of New York ("City Register's Office") on March 23, 1983 in Reel 674, page 848.

2. Schedule B to the Declaration (said Schedule being recorded in the City Register's Office in Reel 674 at pages 957 through 969) sets forth certain data with respect to each Unit necessary for the proper identification thereof, to wit: Unit designation, tax lot number, direction in which each Unit faces, approximate square foot area, number of rooms, the portions of the Common Elements to which the Unit has immediate access, and the percentage of interest in the Common Elements appurtenant to each Unit. Duplex Unit No. 66/67M has been combined with the lower two floors of adjoining triplex Unit No. 66/67/680. The third or top floor of triplex Unit No. 66/67/680 has been combined with the third or top floor of adjoining triplex Unit No. 66/67/68N. The first and second floors of triplex Unit No. 66/67/680 have been combined to form a duplex Unit designated as Unit No. 66/670. Accordingly, Schedule B to the Declaration is hereby amended to reflect such alterations as follows:

(1) The reference to Unit No. 66/67M and all data set forth in Schedule B to the Declaration pertaining to Unit No. 66/67M is hereby deleted therefrom.

(2) The reference to Unit No. 66/67/68N and all data set forth in Schedule B to the Declaration pertaining to Unit No. 66/67/68N is hereby deleted therefrom.

(3) The reference to Unit No. 66/67/680 and all data set forth in Schedule B to the Declaration pertaining to Unit No. 66/67/680 is hereby deleted therefrom.

(4) The aforementioned data with respect to altered Unit No. 66/67/68N (now combined with adjoining Unit No. 66/67M and the third or top floor of adjoining Unit No. 66/67/68O) and new Unit No. 66/67O is hereby added to Schedule B to the Declaration as follows:

| Unit<br>Designation<br>(Apt. No.) | Tax<br>Lot<br>No. | Approx.<br>Area<br>in<br>Sq. Ft. | Number<br>of<br>Rooms                            | Percentage<br>of Interest<br>in the Common<br>Elements |
|-----------------------------------|-------------------|----------------------------------|--|--|
| Unit No. 66/67/68N                | 1263              | 10 <sub>{</sub> 996.39           | 18 rooms, 2<br>half bathrooms<br>and 7 bathrooms | 1.9948488  |
| Unit No. 66/670                   | 1264              | 3,367.63                         | 7 rooms, 1<br>half bathroom<br>and 3 bathrooms   | .6107531   |

Confidential Treatment Requested - FOIL Exempt

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Unit No. 66/67/68N is located in the portion of the Building facing north, east and west on floors 66 and 67 and facing north, west and south on floor 68. Unit No. 66/670 is located in the portion of the Building facing south and west on floors 66 and 67. The Common Elements to which Unit Nos. 66/67/68N and 66/670 have immediate access are the public corridors, fire stairs and elevators. For convenience, (a) the combinations of Units referred to in this Section 2 are hereinafter collectively referred to as the "Alteration" and (b) altered Unit No. 66/67/68N (combined with adjoining Unit No. 66/67M and the third or top floor of adjoining Unit No. 66/67/68N".

- 3.1 New Unit No. 66/67/68N includes the following:
- (a) certain space (approximately 82.5 square feet in area) located on the 66th floor of the Building which prior to the Alteration constituted the westerly end of the public corridor on such floor and served only Unit No. 66/67/68N and Unit No. 66/67/680;
- (b) certain space (approximately 333 square feet in area) located on the 66th floor of the Building easterly of, and contiguous to, Unit No. 66/67/68N which was unused for any purpose prior to the Alteration;
- (c) certain space (approximately 16 square feet in area) located on the 67th floor of the Building which prior to the Alteration constituted the westerly end of the public corridor on such floor and served only Unit No. 66/67/68N; and
- (d) certain space (approximately 25 square feet in area) located on the 68th floor of the Building which prior to the Alteration constituted the easterly end of the public corridor on such floor and served only Unit No. 66/67/68N.

The four (4) spaces referred to in this Paragraph 3.1, hereinafter collectively referred to as the "Easement Areas", each constitute part of the Common Elements of the Residential Section of the Building. The Easement Areas are located substantially as shown on Exhibit A annexed hereto and made a part hereof.

3.2 The Unit Owner of New Unit No. 66/67/68N (being the Unit also designated herein as Tax Lot No. 1263) shall have an exclusive easement (a) to use the Easement Areas to install, operate, maintain, repair, restore, replace, alter, realter, build and rebuild the portions of New Unit No. 66/67/68N located within or upon the Easement Areas and (b) to maintain encroachments on the Easement Areas resulting from any installation, operation, maintenance, repair, restoration, replacement, alteration, realteration, building or rebuilding within or upon the Easement Areas.

3.3 The exclusive easements referred to in Section 3.2 above shall exist, so long as the Building shall stand, for the benefit of the present Unit Owner and all future Unit Owners of New Unit No. 66/67/68N and their respective heirs, executors, administrators, legal representatives, successors and assigns. Such easements may not be modified or amended except by an instrument in writing duly executed by and on behalf of the Residential Board and consented to in writing by the then Unit Owner of New Unit No. 66/67/68N. 4. The first amendment to the Floor Plans of the Building, certified by Mark Van Summern, Architect, showing (a) the floor plan for Unit No. 66/67/68N and (b) the floor plan for Unit No. 66/67O is intended to be filed in the City Register's Office as Condominium Plan No. 86A simultaneously with the recording of this First Amendment to the Declaration of Trump Tower Condominium. The said first amendment to the Floor Plans of the Building replaces and supersedes the original floor plans for Unit No. 66/67M, Unit No. 66/67/68N and Unit No. 66/67/68O certified by Swanke Hayden Connell & Partners, Architects, on February 2, 1983 and filed in the City Register's Office on March 23, 1983 as Condominium Plan No. 86.

5. All of the terms used in this First Amendment shall have the same meaning as ascribed thereto in the Declaration.

6. The Declaration as amended by this First Amendment is incorporated herein by reference with the same force and effect as if set forth at length. All rights, obligations, easements, restrictions and other provisions set forth in the Declaration which by the terms thereof are appurtenant or binding upon Unit No. 66/67/68-N, or the owner thereof, shall be deemed to be appurtenant or binding upon New Unit No. 66/67/68N or the owner thereof. Except as hereby amended, all other terms and provisions of the Declaration are hereby ratified and confirmed and shall remain in full force and effect.

7. The provisions of this First Amendment to the Declaration shall be perpetual and be construed to be covenants running with the Land and every part thereof and interest therein, and all provisions hereof shall be binding upon and inure to the benefit of the owners of all or any part of the property, or interest therein, and his, its or their heirs, executors, administrators, legal representatives, successors and assigns.

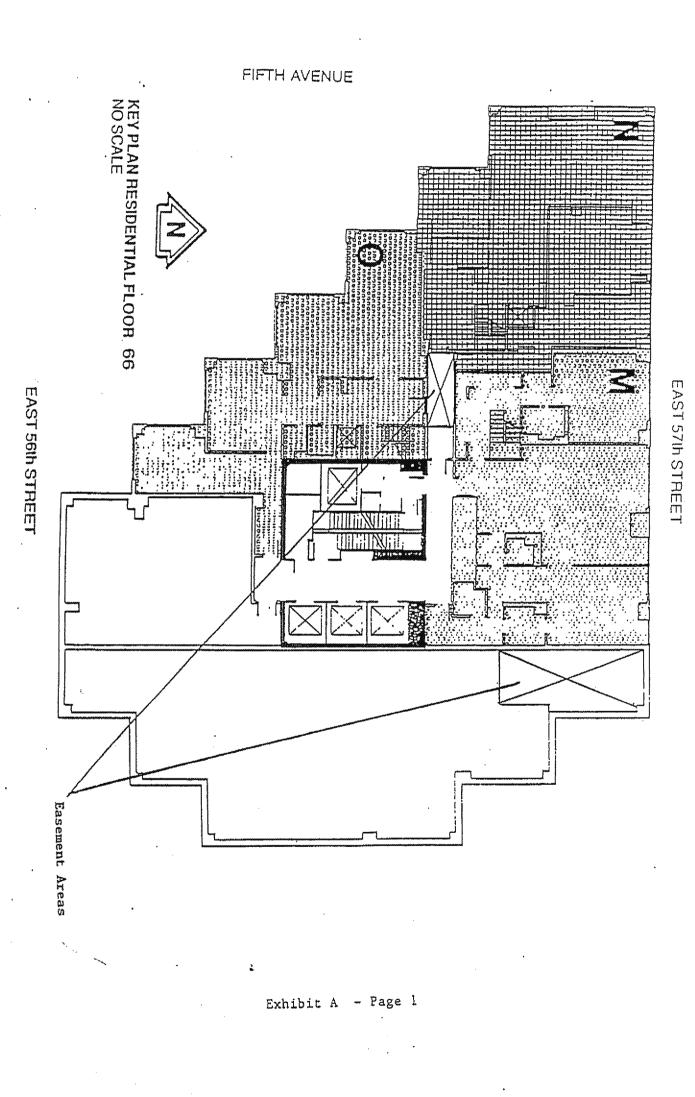
8. If any provision of this First Amendment to the Declaration, or any section, sentence, clause, phrase or word, or the application thereof shall in any circumstances be judicially held in conflict with the laws of the State of New York, then the said laws shall be deemed controlling and the validity, force and effect of the remainder of this First Amendment to the Declaration and the application of any such provision, section, sentence, clause, phrase or word in other circumstances shall not be affected thereby.

IN WITNESS WHEREOF, the Residential Board has caused this First Amendment to the Declaration to be executed as of this  $\frac{11^{th}}{1000}$  day of October, 1994.

THE RESIDENTIAL BOARD OF TRUMP TOWER CONDOMINIUM

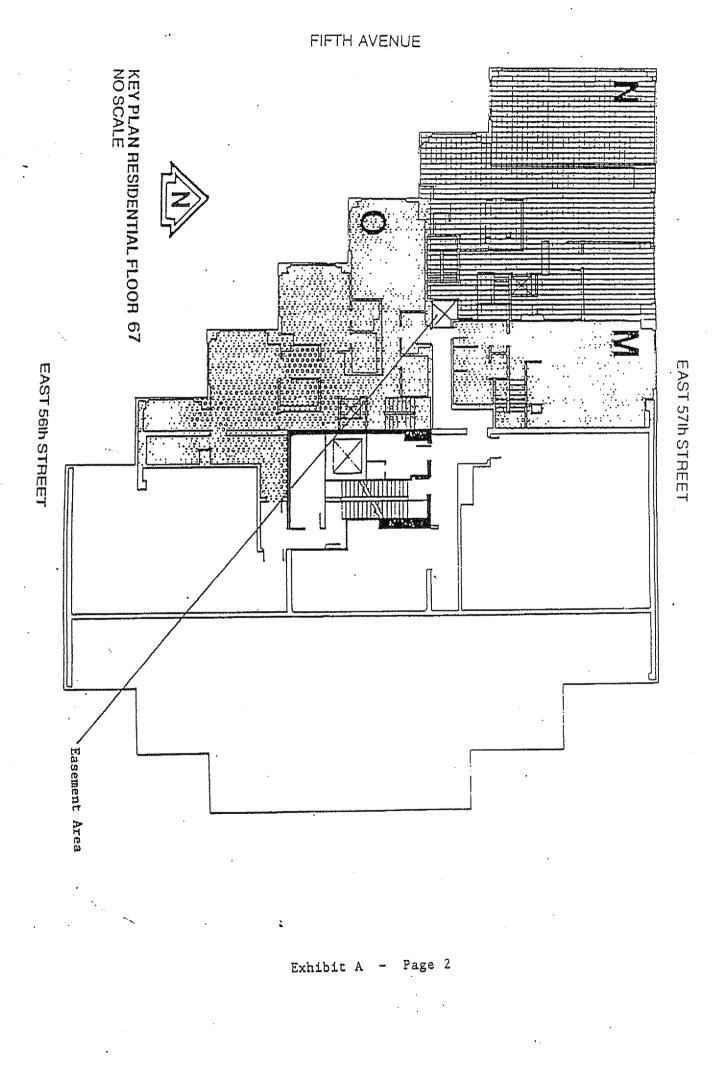
Laihp President

# EXHIBIT A TO FIRST AMENDMENT TO THE DECLARATION OF TRUMP TOWER CONDOMINIUM



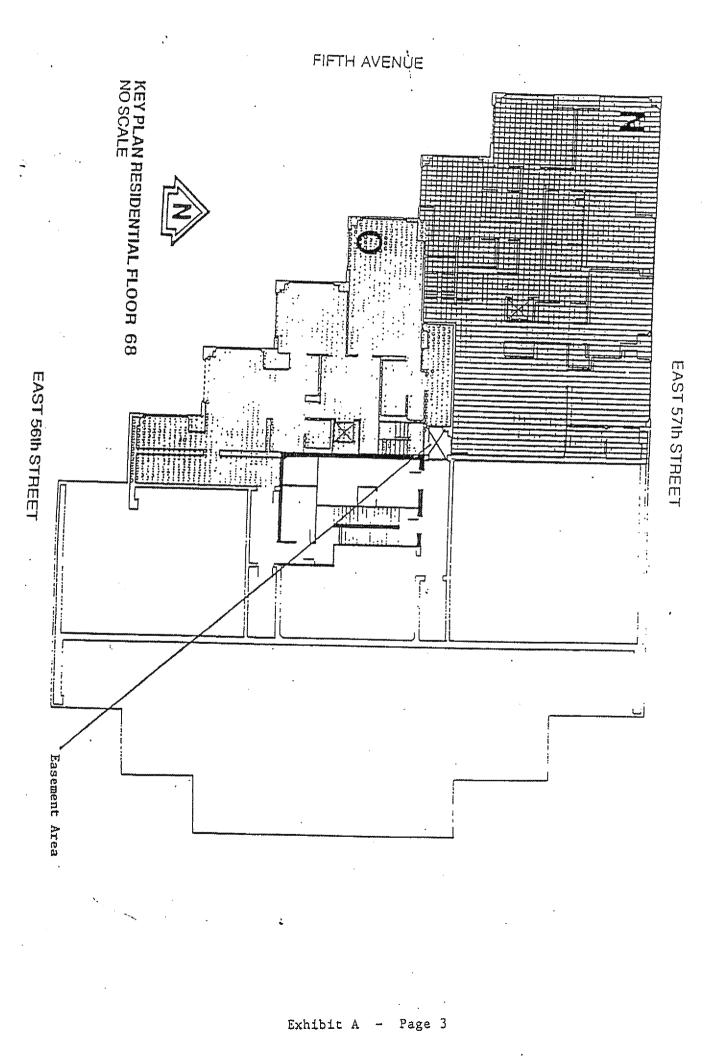
Confidential Treatment Requested - FOIL Exempt

# EXHIBIT A TO FIRST AMENDMENT TO THE DECLARATION OF TRUMP TOWER CONDOMINIUM



# EXHIBIT A TO FIRST AMENDMENT TO THE DECLARATION OF TRUMP TOWER CONDOMINIUM

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State of New York

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)ss.: County of New York )

On this <u>lith</u> day of October, 1994, before me personally came <u>Gianna Lahainer</u>, to me known to be the person who executed the foregoing instrument, and who, being duly sworn by me, did depose and say that (s)he is a Vice President of The Residential Board of Trump Tower Condominium, that (s)he executed the foregoing instrument in the name of the said The Residential Board of Trump Tower Condominium, that (s)he had authority to sign the same and (s)he acknowledged to me that (s)he executed the same as and for the act and deed of the said The Residential Board of Trump Tower Condominium.

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ANIKO BALOGH Notary Public, State of N-w York No. 41-4817442 Qualified in Queens County Commission Expires September 30, 1996

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# CONSENT

The undersigned, being the owner of the fee title to the residential unit known as Unit No. 66/67/68N in the premises known as Trump Tower Condominium and also known by the street numbers 721-725 Fifth Avenue, Borough of Manhattan, City, County and State of New York, said Unit being designated and described as Unit No. 66/67/68N in the declaration ("Declaration") establishing a plan for condominium ownership of said premises under Article 9-B of the Real Property Law of the State of New York (the "New York Condominium Act") dated February 24, 1983, and recorded in the New York County office of the Register of The City of New York (the "City Register's Office") on March 23, 1983 in Reel 674, page 848, and also designated as Tax Lot No. 1263 in Block 1292 of Section 5 of the Borough of Manhattan on the Tax Map of the Real Property Assessment Department of The City of New York and on the Floor Plans of the Building, certified by Swanke Hayden Connell & Partners, Architects, on February 2, 1983, and filed in the City Register's Office on March 23, 1983 as Condominium Plan No. 86 (the said Unit being located in the Building erected on the Land described in Schedule A attached hereto and made a part hereof),

DOES HEREBY CONSENT to (a) that certain amendment dated as of October <u>II</u>, 1994 entitled First Amendment to the Declaration of Trump Tower Condominium which, among other things, (i) deletes the reference to Unit No. 66/67/68N and all data set forth in Schedule B to the Declaration pertaining thereto and (ii) adds to Schedule B to the Declaration certain data with respect to altered Unit No. 66/67/68N in order to reflect certain alterations to the said Unit and (b) that certain first amendment to the Floor Plans of the Building, certified by Mark Van Summern, Architect, intended to be filed in the City Register's Office as Condominium Plan No. 86A simultaneously with the recording of the said First Amendment to the Declaration of Trump Tower Condominium, showing the floor plan for altered Unit No. 66/67/68N (now combined with adjoining Unit No. 66/67/68O).

All capitalized terms used herein which are defined in the Declaration and are not separately defined herein shall have the meanings given to the said terms in the Declaration.

IN WITNESS WHEREOF, the undersigned owner of said Unit No. 66/67/68N has duly executed this Consent as of the  $\frac{11^{44}}{11}$  day of October, 1994.

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State of New York ) )ss.: County of New York )

On this //<sup>th</sup> day of October, 1994, before me personally came Donald J. Trump, to me known to be the individual described in and who executed the foregoing instrument and acknowledged to me that he executed the same.

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ANIKO BALOGH Notary Public, State of New York No. 41-4817442 Qualified in Queens County Commission Expires September 30, 1996

- 1 -

# SCHEDULE A TO CONSENT BY RESIDENTIAL UNIT OWNER TO FIRST AMENDMENT TO THE DECLARATION OF TRUMP TOWER CONDOMINIUM

# DESCRIPTION OF THE LAND

All that certain lot, piece or parcel of land, situate, lying and being in the Borough of Manhattan, City, County and State of New York, bounded and described as follows:

BEGINNING at the corrier formed by the intersection of the Northerly side of East 56th Street with the Easterly side of Fifth Avenue; running

THENCE Easterly along the Northerly side of East 56th Street, 175 feet;

THENCE Northerly and parallel with the Easterly side of Fifth Avenue and part of the distance through a party wall, 100 feet 5 inches, to the center line of the block;

THENCE Westerly along the center line of the block, 50 feet;

THENCE Northerly and parallel with the Easterly side of Fifth Avenue, 15 feet;

THENCE Westerly and parallel with the Northerly side of East 56th Street, 125 feet to the Easterly side of Fifth Avenue; and

THENCE Southerly along the Easterly side of Fifth Avenue, 115 feet 5 inches, to the point or place of BEGINNING.

Said premises being known as 721-725 Fifth Avenue.

#### CONSENT

The undersigned, being the owner of the fee title to the two (2) residential units known as Unit No. 66/67M and Unit No. 66/67/680 in the premises known as Trump Tower Condominium and also known by the street numbers 721-725 Fifth Avenue, Borough of Manhattan, City, County and State of New York, said Units being designated and described as Unit No. 66/67M and Unit No. 66/67/680 in the declaration ("Declaration") establishing a plan for condominium ownership of said premises under Article 9-B of the Real Property Law of the State of New York (the "New York Condominium Act") dated February 24, 1983, and recorded in the New York County office of the Register of The City of New York (the "City Register's Office") on March 23, 1983 in Reel 674, page 848, and also designated as Tax Lots 1262 and 1264, respectively, in Block 1292 of Section 5 of the Borough of Manhattan on the Tax Map of the Real Property Assessment Department of The City of New York and on the Floor Plans of the Building, certified by Swanke Hayden Connell & Partners, Architects, on February 2, 1983 as Condominium Plan No. 86 (the said Units being located in the Building erected on the Land described in Schedule A attached hereto and made a part hereof),

DOES HEREBY CONSENT to (a) that certain amendment dated as of October <u>11</u>, 1994 entitled First Amendment to the Declaration of Trump Tower Condominium which, among other things, (i) deletes the references to Unit Nos. 66/67M and 66/67/68O and all data set forth in Schedule B to the Declaration pertaining thereto in order to reflect certain alterations to the said Units and (ii) adds to Schedule B to the Declaration certain data with respect to altered Unit No. 66/67O and (b) that certain first amendment to the Floor Plans of the Building, certified by Mark Van Summern, Architect, intended to be filed in the City Register's Office as Condominium Plan No. 86A simultaneously with the recording of the said First Amendment to the Declaration of Trump Tower Condominium, showing the floor plans for (i) the combination of Unit No. 66/67M with the lower two floors of Unit No. 66/67/68N, (ii) the combination of the third or top floor of Unit No. 66/67/68O with Unit No. 66/67/68N and (iii) the floor plan for Unit No. 66/67O.

All capitalized terms used herein which are defined in the Declaration and are not separately defined herein shall have the meanings given to the said terms in the Declaration.

IN WITNESS WHEREOF, the undersigned owner of said Unit No. 66/67M and Unit No. 66/67/680 has duly executed this Consent as of the \_\_\_\_\_\_ day of October, 1994.

THE TRUMP EQUITABLE FIFTH AVENUE COMPAN By: μb Venturer

State of New York ) )ss.: County of New York )

On this  $\underline{n}^{th}$  day of October, 1994, before me personally cond Donald J. Trump, to me known and known to me to be a member of The Trump-Equitable Fifth Avenue Company, a joint venture formed under the partnership laws of the State of New York and acknowledged to me that he executed the foregoing instrument in the name of The Trump-Equitable Fifth Avenue Company, that he had authority to sign the same, and that he executed the same as and for the act and deed of said joint venture

. Lot Notary Public ANIKO BALQGH

Notary Public, State of New York No. 41-4817442 Qualified in Queens County Commission Expires September 30, 19%

- 1 -

# SCHEDULE A TO CONSENT BY RESIDENTIAL UNIT OWNER TO FIRST AMENDMENT TO THE DECLARATION OF TRUMP TOWER CONDOMINIUM

## DESCRIPTION OF THE LAND

All that certain lot, piece or parcel of land, situate, lying and being in the Borough of Manhattan, City, County and State of New York, bounded and described as follows:

BEGINNING at the corner formed by the intersection of the Northerly side of East 56th Street with the Easterly side of Fifth Avenue; running

THENCE Easterly along the Northerly side of East 56th Street, 175 feet;

THENCE Northerly and parallel with the Easterly side of Fifth Avenue and part of the distance through a party wall, 100 feet 5 inches, to the center line of the block;

THENCE Westerly along the center line of the block, 50 feet;

THENCE Northerly and parallel with the Easterly side of Fifth Avenue, 15 feet;

THENCE Westerly and parallel with the Northerly side of East 56th Street, 125 feet to the Easterly side of Fifth Avenue; and

THENCE Southerly along the Easterly side of Fifth Avenue, 115 feet 5 inches, to the point or place of BEGINNING.

Said premises being known as 721-725 Fifth Avenue.

# Amendment to the FIRST AMENDMENT TO THE DECLARATION OF TRUMP TOWER CONDOMINIUM

Which Established a Plan for Condominium Ownership of Premises 721-725 Fifth Avenue New York, New York Pursuant to Article 9-B of the Real Property of the State of New York

The Condominium Units affected by the within instrument are the three (3) residential units known as Unit No. 66/67M, Unit No. 66/67/68N and Unit No. 66/67/68O as designated in the Declaration of Trump Tower Condominium dated February 24, 1983 recorded in the New York County Register's Office on March 23, 1983 in Reel 674, Page 848, and formerly known as Tax Lots 1262, 1263 and 1264, respectively, in Block 1292 of Section 5 of the Tax Map of the Borough of Manhattan, City of New York, now known as Tax Lot Nos. 1263 and 1264.

The premises affected by the within instrument are located in the building erected on land which lies in Section 5, Block 1292, formerly known as Lot 1 on the Tax Map of the Borough of Manhattan, City of New York.

This instrument is a duplicate executed counterpart of the instrument recorded in the New York County Register's Office on November 3, 1994 in Reel 2152 at Pages 404 through 412. This instrument is recorded due to the fact that the instrument recorded in Reel 2152 at pages 404 through 412 was recorded (a) with the two-page Consent, with attached Schedule A, executed and acknowledged on behalf of The Trump-Equitable Fifth Avenue Company recorded out of sequence at Reel 2152, pages 405 and 406, (b) without Pages 6 and 7 and (c) without the two-page Consent, with attached Schedule A, executed and acknowledged by Donald J. Trump.

## RECORD AND RETURN TO:

Milton E. Goldfine, Esq. The Trump Corporation 725 Fifth Avenue - 26th Floor New York, New York 10022

| · · ·                         | CITY REGISTER RECORDING AND EN  | DORSEMENT PAGE   |
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#### SECOND AMENDMENT TO DECLARATION

#### TRUMP TOWER CONDOMINIUM

(Pursuant to Article 9-B of the Real Property Law of the State of New York)

TRUMP TOWER CONDOMINIUM, a condominium having an address at 721-725 Fifth Avenue, New York, New York 10022, does hereby declare as follows:

1. This is the Second Amendment to that certain Declaration ("Declaration"), establishing a Plan for Condominium Ownership of Trump Tower Condominium ("Building"), 721-725 Fifth Avenue, New York, New York 10022, dated February 24, 1983, and recorded in the New York County office of the Register of the City of New York ("City Register's Office") on March 23, 1983, in Reel 674, page 848, made by Sponsor pursuant to the Condominium Act of the State of New York (Article 9-B of the Real Property Law of the State of New York), and to the First Amendment thereto, dated October 11, 1994, filed in the City Register's Office as Plan No. 86A in Reel 2159, Page 0340.

OF

2. Schedule B to the Declaration, which states that (i) Unit No. 62A (Tax Lot 1241) comprises approximately 1477.04 square feet, contains 4.5 rooms, has a .2573111 percentage interest in the Common Elements, is located in the portion of the Building facing south and west, and has access to the public corridor, fire stairs and elevators; and (ii) Unit No. 62B (Tax Lot 1242) comprises approximately 1596.22 square feet, contains 4.5 rooms, has a .2786196 percentage interest in the Common Elements, is located in the portion of the Building facing south and east, and has access to the public corridor, fire stairs and elevators, is hereby revised to reflect that (a) Unit No. 62AB (Tax Lot 1241) now comprises approximately 3073.26 square feet, contains 5.5 rooms, has a .5359307 percentage interest in the Common Elements, is located in the portion of the Building facing south, east and west and has access to the public corridor, fire stairs and elevators. (As indicated in Schedule A to this Second Amendment, annexed hereto.)

3. Intended to be filed simultaneously with the recording of this Second Amendment to Declaration is the Second Amendment to the Floor Plans of the Building, certified by Lily Marcus, A.I.A/Marcus Associates, showing the revised floor plans for Unit 62AB. Said Second Amendment to the Floor Plans replaces

LC00132544

and supersedes the original Floor Plans certified by Swanke, Hayden, Connell & Partners, Architects, on February 2, 1983, and filed in the City Register's Office on March 18, 1983, as Condominium Plan No. 86, insofar as said original Floor Plans relate to Units 62A and 62B.

5. All the terms used in this Second Amendment to Declaration shall have the same meaning as ascribed thereto in the Declaration.

6. The Declaration, as revised and modified by this Second Amendment to Declaration, is incorporated herein by reference with the same force and effect as if set forth at length. Except as revised herein, all other terms and provisions of the Declaration are hereby ratified and confirmed and shall remain in full force and effect.

7. The provisions of this Second Amendment to Declaration shall be perpetual and be construed to be covenants running with the Land and every part thereof and interest therein, and all provisions hereof shall be binding upon and inure to the benefit of the owner of all or any part of the Property, or interest therein, and his heirs, executors, administrators, legal representatives, successors and assigns.

8. If any provision of this Second Amendment to Declaration, or any section, sentence, clause, phrase or word, or the application thereof shall in any circumstances be judicially held in conflict with the laws of the State of New York, then the said laws shall be deemed controlling and the validity, force and effect of the remainder of this First Amendment to Declaration and the application of any such provision, section, sentence, clause, phrase or word in other circumstances shall not be affected thereby.

IN WITNESS WHEREOF, the undersigned has caused this Second Amendment to Declaration to be executed as of this  $4^{+\mu}$  day of APRIL , 1997.

THE RESIDENTIAL BOARD OF TRUMP TOWER CONDOMINIUM President

REEL 2.465 的 0.95 以

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

On the **Y**<sup>+W</sup> day of **APRIL** , 1997, before me personally came DONALD J. TRUMP, to me known, who, being by me duly sworn, did depose and say that he resides at 725 Fifth Avenue, New York, New York 10022, that he is the President of the Residential Board of Trump Tower Condominium, the entity described in and which executed the foregoing instrument;

Condominium, and that he signed his name thereto by like order.

Joon Drixa Notary Public

KATHLEEN DAVIES NOTARY PUBLIC, State of New York Qualified in Orange County No. 4792694 My Commission Expires Oct. 31, 1997

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REEL 2455 PC 0955

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## SCHEDULE A

## ORIGINAL DECLARATION

| 62nd Floor Ta:<br>(Simplex) Lo <sup>4</sup><br>Residential No<br>Units | : (in portion     |         | Number<br>of<br>Rooms | Common Percentage<br>Elements of Int.<br>to which in the<br>unit has Common<br>immediate Elements<br>access |
|--|-------------------|---------|-----------------------|---|
|  |                   |         |                       | MMM MMM MMM MMM MMM Shale daale daale waar baari kaal alaab bake blad kike alaab baar                       |
| 62A<br>124:  | South &<br>. West | 1477.04 | 4.5                   | Public Corridor,<br>fire stairs,<br>elevator .2573111   |
| 62B<br>1243  | East &<br>South   | 1596.22 | 4.5                   | Public Corridor,<br>fire stairs,<br>elevator .2786196   |

# AMENDED TO:

| 62nd Floor Tax<br>(Simplex) Lot<br>Residential No.<br>Units |  | Approx<br>Area<br>in<br>Sq.Ft. | Number<br>of<br>Rooms | Common Percentage<br>Elements of Int.<br>to which in the<br>unit has Common<br>immediate Elements<br>access |
|---|--|--------------------------------|-----------------------|---|
| ansu kaon kuko akko shko shko shko shko shko shko shko s    | bead limits when when adds incor times when their limits |                                |                       |   |
| 62AB  | South, West<br>& East                                    | 3073.26                        | 5.5                   | Public Corridor,<br>fire stairs,<br>elevator .5359307   |

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REEL 2465 P80956

CONDOMINIUM NO. 86B MAP# 5451

#### SECOND AMENDMENT TO DECLARATION

Establishing a Plan for Condominium Ownership of the Premises 721-725 Fifth Avenue, New York, New York, Pursuant to Article 9-B of the Real Property Law of the State of New York.

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NEW YORK COUN

FFICE OF THE CITY REGISTER

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Condominium: Trump Tower 721-725 Fifth Avenue New York, New York 10022

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by ADDRESS

Section: 5

H/k/A Lots: 1241 f/k/a 1241 and 1242

Block:

County: New York

When Recorded, Return by Mail to:

Marc J. Isaacs, Esq. Marc J. Isaacs, P.C. 271 Madison Avenue Suite 1900 New York, New York 10016

0-00NV

# REEL 2523PG0880

Carl String and Strings

Condo # 8

#### THIRD AMENDMENT TO DECLARATION

OF

#### TRUMP TOWER CONDOMINIUM

(Pursuant to Article 9-B of the Real Property Law of the State of New York)

TRUMP TOWER CONDOMINIUM, a condominium having an address at 721 725 Fifth Avenue, New York, New York 10022, does hereby declare as follows:

1. This is the Third Amendment to that certain Declaration ("Declaration"), establishing a Plan for Condominium Ownership of Trump Tower Condominium ("Building"), 721-725 Fifth Avenue, New York, New York 10022, dated February 24, 1983, and recorded in the New York County office of the Register of the City of New York ("City Register's Office") on March 23, 1983, in Reel 674, page 848, made by Sponsor pursuant to the Condominium Act of the State of New York (Article 9-B of the Real Property Law of the State of New York), and to the First Amendment thereto, dated October 11, 1994, filed in the City Register's Office as Plan No. 86A in Reel 2159, Page 0340, and to the Second Amendment thereto, dated April 4, 1997, filed in the City Register's Office as Plan No. 86B in Reel 2465, Page 950.

2. Schedule B to the Declaration, which states that (i) Unit 54/55E, Construction Floor (Unit 64/65E, Sales Floor) (Tax Lot 1259), comprises approximately 3,483.71 square feet, contains five and one half (5.5) rooms, has a .6102010 percentage interest in the Common Elements, is located on the 54th and 55th floors in the portion of the Building facing North, and has access to the public corridor, fire stairs and elevators; (ii) Unit 54GH, Construction Floor (Unit 64GH, Sales Floor) (Tax Lot 1260) comprises approximately 2713.86 square feet, contains five and one half (5.5) rooms, has a .4753553 percentage interest in the

NC155503.6

REEL 2523 PG 0881

Common Elements, is located on the 54th floor in the portion of the Building facing North, West and South, and has access to the public corridor, fire stairs and elevators; and (iii) Unit 55GH, Construction Floor (Unit 65GH, Sales Floor) (Tax Lot 1261) comprises approximately 3,496.60 square feet, contains six and one half (6.5) rooms, has a .6124588 percentage interest in the Common Element, is located on the 55th floor, in the portion of the building facing North, West and South, and has access to the public corridor, fire stairs and elevators, is hereby revised to reflect that: (i) Unit 54/55E, Construction Floor (Unit 64/65E, Sales Floor) (Tax Lot 1259) is now known as Unit 54E, Construction Floor (Unit 64E, Sales Floor) (Tax Lot 1259), now comprises approximately 1,623.37 square feet, contains three (3) rooms, has a .2844175 percentage interest in the Common Elements, is located on the 54th floor in the portion of the Building facing North and has access to the public corridor, fire stairs and elevators; (ii) Unit 54GH, Construction Floor (Unit 64GH, Sales Floor) (Tax Lot 1260) is now known as Unit 54G, Construction Floor (Unit 64G, Sales Floor) (Tax Lot 1260), now comprises approximately 3,247.60 square feet, contains six (6) rooms, has a .5688350 percentage interest in the Common Elements, is located on the 54th floor in the portion of the Building facing North, West and South, and has access to the public corridor, fire stairs and elevators; and (iii) Unit 55GH, Construction Floor (Unit 65GH, Sales Floor) (Tax Lot 1261) is now known as Unit 55EGH, Construction Floor (Unit 65A, Sales Floor) (Tax Lot 1261), now comprises approximately 4,823.20 square feet, contains two (2) rooms, has a .8447626 percentage interest in the Common Elements, is located on the 55th floor in the portion of the Building facing North, West and South, and has access to the public corridors, fire stairs and elevators. (The above described changes are indicated in Schedule A to this Third Amendment, annexed hereto.)

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3. Intended to be filed simultaneously with the recording of this Third Amendment to Declaration is the Third Amendment to the Floor Plans of the Building, certified by Laurence M. Harman of Harman Jablin Architects, showing the revised floor plans for Unit 54/55E, Construction Floor (Unit 64/65E, Sales Floor), Unit 54GH, Construction Floor (Unit 64GH, Sales Floor) and Unit 55EGH, Construction Floor (Unit 65EGH, Sales Floor) (the "Amendment to Floor Plans"). The Amendment to Floor Plans replaces and supersedes the original Floor Plans certified by Swanke, Hayden, Connell & Partners, Architects on February 2, 1983 and filed in the City Register's Office on March 18, 1983 as Condominium Plan No. 86, insofar as said original Floor Plans relate to Construction Floor Units 54/55E, 54GH and 55GH (Sales Floor Units 54/55E, 54GH and 55GH).

4. As reconfigured, Unit 54G, Construction Floor (64G, Sales Floor) also includes a portion of the 54th Construction Floor (64th, Sales Floor) public corridor, as shown on the Amendment to Floor Plans. The inclusion of said public corridor will not affect the allocation of percentage interest in the Common Elements among the Building's units.

 All the terms used in this Third Amendment to Declaration shall have the same meaning as ascribed thereto in the Declaration.

6. The Declaration, as revised and modified by this Third Amendment to Declaration, is incorporated herein by reference with the same force and effect as if set forth at length. Except as revised herein, all other terms and provisions of the Declaration are hereby, ratified and confirmed and shall remain in full force and effect.

7. The provisions of this Third Amendment to Declaration shall be perpetual and be construed to be covenants running with the Land and every part thereof and interest therein, and all provisions hereof shall be binding upon and inure to the benefit of the owner of

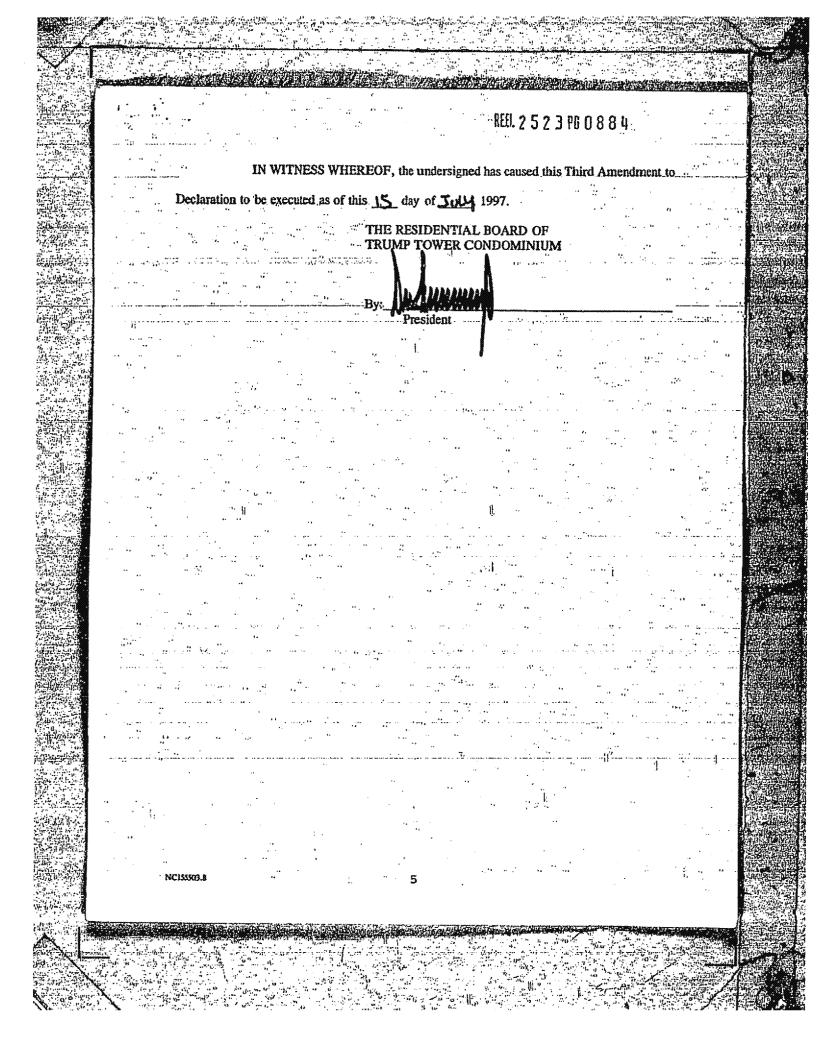
NC155503.8

REEL 2 5 2 3 PG 0 8 8 3

all or any part of the Property, or interest therein, and his heirs, executors, administrators, legal representatives, successors and assigns.

8. If any provision of this Third Amendment to Declaration, or any section, sentence, clause, phrase or word, or the application thereof shall in any circumstances be judicially held in conflict with the laws of the State of New York, then the said laws shall be deemed controlling and the validity force and effect of the remainder of this Third Amendment to Declaration and the application of any such provision, section, sentence, clause, phrase or word in other circumstances shall not be affected thereby.

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#### REEL 2523 PG 0885

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#### \_\_STATE OF NEW YORK ) ; COUNTY OF NEW YORK )

On the <u>15</u> day of <u>5014</u>, 1997, before me personally came DONALD J. TRUMP, to me known, who, being by me duly sworn, did depose and say that he resides at 725 --Fifth Avenue, New York, New York 10022, that he is the President of the Residential Board of Trump Tower Condominium, the entity described in and which executed the foregoing instrument; that he knows the seal of said Board; that the seal affixed to said instrument is such seal; that it was so affixed by order of the Board of said Condominium; and that he signed his

SS.

name thereto by like order.

# Notary Public

Qualified in Orange County Mo. 4792694 Hy Commission Expires Oct. 31, 1973

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|   | ••••                      |  |                         |  |                    |   |                          | 4.   |                                       |
|   |                           |  | Lax                     | Lot Allocation                           | 15 Prior to 1      | Third Amendmen  | Щ                        | , <b>*</b><br>,*                                 | •<br>•••                              |
|   | • • •                     | Unit                                     | Tax Lo                  | L <i>I</i>                               | <u>Sq. Ft.</u>     | <u>No. F</u>  | tooms                    | % Common   | -1 -                                  |
|   | •                         | <br>54/55E,                              | 1259                    |  | 3483.71            | -<br>b-<br>5.   | 5                        | Interest<br>.6102010                             |                                       |
|   | •<br>• • • • •            | Construction Floor<br>- (64/65E, Sales   | **                      | · · · · ·                                |                    | · · · · · · · · · · · · · · · · · · ·   |                          | ****   |                                       |
|   | · · · ·                   | Floor)                                   |                         | •  | *                  |   |                          | •.   |                                       |
|   |                           | 54GH,<br>Construction Floor              | 1260                    |  | 2713.86            | . 5.  | .5                       | .47,53553  |                                       |
| а<br>2                                  |                           | (64OH, Sales                             |                         |  |                    | •***<br>•** • •**   | 10 99<br>7 0 - 200 - 200 | stat s   |                                       |
| - (1<br>5-1<br>6-1                      |                           | 55GH,                                    | 1261                    |  | 3496.60            | 6.  | 5                        | .6124588   | · · ·                                 |
| ų                                       |                           | Construction Floor<br>(65GH, Sales       | 7                       |  | - <u></u>          | 'n <b>U</b> ,   | -<br><sup></sup>         | ••• • • • • • • • • • •                          | ***<br>***                            |
|   |                           | Floor)                                   | 1                       |  |                    |   |                          | **   |                                       |
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|   | ·                         | К. т                                     |                         | an a | <i>JUJ 1111</i>    | •.  | *•                       |  | ·*                                    |
|   |                           |  |                         | .1                                       |                    |   |                          |  | · · ·                                 |
|   |                           | • • • • •                                |                         | Tax Lot Al                               | locations Pu       | irsuant to  |                          |  |                                       |
|   |                           |  | •                       | Third Amer                               | idment to D        | eclaration  | *                        | ,  | ····                                  |
|   | •                         | Unit                                     | Tax Lot                 | <i>H</i>                                 | Sa. Ft.            | No. R   | .ooms                    | S Common   | а<br>                                 |
| ••                                      | · · · · ·                 |  |                         |  |                    | · · · · · · · · · · · · · · · · · · ·   |                          | Interest   | • •                                   |
|   |                           | 54E, Construction<br>Floor (64E, Sales   | 1259                    | ·  | 1623.37            | 3   |                          | .2844175   | · · ·                                 |
|   |                           | Floor)<br>54G, Construction              | 1960                    | 44<br>447<br>7                           | 2247 (0            | ی دو رو<br>سر مو  | ••<br>••                 | rroosro  | •<br>•                                |
| · .                                     |                           | Floor (64G, Sales                        | 1260                    | 14<br>8                                  | 3247.60            |   | ·                        | .5688350   |                                       |
|   |                           | Floor)<br>55EGH,                         | 1261                    |  | 4823.20            | 3   |                          | QAATCOC  |                                       |
| •••                                     |                           | Construction Floor                       |                         | 4.<br>4.                                 | 4023.20 , ,        |   | ······                   |  |                                       |
| •, •                                    | · · · ·                   | (65A, Sales Floor)                       |                         | n  |                    |   | ******                   | <i>t</i>   |                                       |
| • • >r                                  | 1-1-01-5-5-5-5-<br>55-5-5 |  | 1<br>1                  |  | 9694.17            | · · · · · · · · · · · · · · · · · · ·   |                          | 1.6980151  | nte da contra d<br>te da contra d     |
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| ••••••••••                              | •                         | • • • • •                                | 1.                      |  |                    |   | 14<br>1                  |  | ·· ·                                  |
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|   | <br>• NR                  | 2155503.8                                |                         | и .<br>У<br>Т                            |                    | 10<br>10<br>10<br>10<br>10<br>10<br>10<br>10<br>10<br>10<br>10<br>10<br>10<br>1   |                          | •<br>•<br>• • • •                                | ," sa<br>                             |
|   | N                         | 2155503.B                                |                         |  |                    |   |                          |  | 14<br>14                              |

028938 THIRD AMENDMENT TO DECLARATION Ĩ Establishing a Plan for Condominium Ownership of the Premises 721-725 Fifth 3 Avenue, New York, New York pursuant to Article 9-B of the Real Property Law of the State S ĺ~ν of New York. w 3  $\square$  $\infty$  $\infty$ Condominium: Trump Tower 721-725 Fifth Avenue New York, New York 10022 Section: 5 Block: 1292 Lots: F/K/A 1259, 1260 and 1261 N/K/A 1259, 1260 and 1261 County: New York When Recorded, Return by mail to: Lewis Bart Stone, Esq. Rogers & Wells 0-CONV 613397 \$63.00 200 Park Avenue New York, New York 10166-0153 YORK COULTY CITICE OF THE 97 DEC 16 PN 12: 33 พกะ: . MY HALL UP CALSEA Portion 2 ; a. NCISSSO R CUT:

#### FOURTH AMENDMENT TO DECLARATION

Establishing a Plan for Condominium Ownership of the Premises 72 1-725 Fifth Avenue,

New York, New York pursuant to Article 9-B of the Real Property Law of the State of New York.

Condominium: Trump Tower 721-725 Fifth Avenue New York, New York 10022

Section: 5

Block: 1292

Lot: 1261

County: New York

When Recorded, Return by mail to:

The Residential Board of Managers of Trump Tower Condominium c/o The Trump Corporation 725 Fifth Avenue New York, New York 10022

Confidential Treatment Requested - FOIL Exempt

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NYB 1168947.7

#### FOURTH AMENDMENT TO DECLARATION

#### OF

#### TRUMP TOWER CONDOMINIUM

#### (Pursuant to Article 9-B of the Real Property Law of the State of New York)

THIS FOURTH AMENDMENT TO DECLARATION OF TRUMP TOWER CONDOMINIUM (this "Fourth Amendment to Declaration") is made as of this 30 day of August. 2000, by TRUMP TOWER CONDOMINIUM, a condominium having an address at 721-725 Fifth Avenue, New York, New York 10022:

#### WITNESSETH

a. WHEREAS, that certain Declaration ("Declaration"), establishing a Plan for Condominium Ownership of Trump Tower Condominium ("Building"). 721-725 Fifth Avenue, New York, New York 10022, dated February 24. 1983, and recorded in the New York County office of the Register of the City of New York ("City Register's Office") on March 23. 1983, in Reel 674, page 848, made by Sponsor pursuant to the Condominium Act of the State of New York (Article 9-B of the Real Property Law of the State of New York), was modified by (ii) the First Amendment thereto, dated October 11. 1994, filed in the City Register's Office as Plan No. 86A in Reel 2159, Page 0340. (ii) the Second Amendment thereto. dated April 4, 1997. filed in the City Register's Office as Plan No. 86B in Reel 2465. Page 950; and (iii) the Third Amendment thereto, dated July 15, 1997, filed in the City Register's Office as Plan No.86C in Reel 2523. Page 0880 (the "Third Amendment to Declaration");

b. WHEREAS, pursuant to the terms of the Third Amendment to Declaration, the unit in the Building previously known as 55GH Construction Floor (Unit 65GH, Sales Floor) is now known as Unit 55 EGH Construction Floor (Unit 65A, Sales Floor);

NYB 1168947.7

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## c. WHEREAS, Unit 54/55A, Construction Floor is also known as Unit 64/65A, Sales Floor, such that the Building has two units designated 65A. Sales Floor (those Units being (i)Unit 55EGH, Construction Floor (Unit 65A, Sales Floor) and (ii) Unit 54/55A, Construction Floor (64/65A, Sales Floor)); and

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d. WHEREAS, the Building desires to modify such designations so that only one unit in the Building is designated 65A. Sales Floor.

NOW. THEREFORE, Trump Tower Condominium does hereby declare as follows:

I. Schedule B to the Declaration is hereby revised so that Unit 55EGH,

Construction Floor (Unit 65A, Sales Floor) is hereby redesignated as follows:

| Unit Designation                                | Square Footage | % Common Interest | Tax Lot # |
|---|----------------|-------------------|-----------|
| 55EGH, Construction Floor<br>65EGH, Sales Floor | 4823.20        | .8447626          | 1261      |

2. All the terms used in this Fourth Amendment to Declaration shall have the same meaning as ascribed thereto in the Declaration.

3. The Declaration, as revised and modified by this Fourth Amendment to Declaration, is incorporated herein by reference with the same force and effect as if set forth at length. Except as revised herein, all other terms and provisions of the Declaration are hereby ratified and confirmed and shall remain in full force and effect.

5. The provisions of this Fourth Amendment to Declaration shall be perpetual and be construed to be covenants running with the Land and every part thereof and interest therein, and all provisions hereof shall be binding upon and inure to the benefit of the owner of all or any part of the Property, or interest therein, and his heirs, executors, administrators, legal representatives, successors and assigns.

NYB 1168947.7

## REL: 154 PG 1913

6. If any provision of this Fourth Amendment to Declaration, or any section, sentence, clause, phrase or word, or the application thereof shall in any circumstances be judicially held in conflict with the laws of the State of New York, then the said laws shall be deemed controlling and the validity force and effect of the remainder of this Fourth Amendment to Declaration and the application of any such provision, section, sentence, clause, phrase or word in other circumstances shall not be affected thereby.

IN WITNESS WHEREOF, the undersigned has caused this Fourth Amendment to Declaration to be executed as of the date first written above.

THE RESIDENTIAL BOARD OF MANAGERS OF TRUMP FOWER CONDOMINIUM



Name: Donald J. rump Title: President

#### STATE OF NEW YORK

COUNTY OF NEW YORK

SS.:

On the day of August, 2000, before me personally came DONALD J. TRUMP, to me known, who, being by me duly sworn, did depose and say that he resides at 725 Fifth Avenue, New York, New York 10022, that he is the President of the Residential Board of Managers of Trump Tower Condominium, the entity described in and which executed the foregoing instrument; that he knows the seal of said Board: that the seal affixed to said instrument is such seal; that it was so affixed by order of the Board of said Condominium, and that he signed his name thereto by like order.

Notary Public

BERNARD R. DIAMOND Notary Public, State of New York No. 31-4506337 Qualified in Westchester County Commission Expires August 31, 19

| CITY REGISTER RECORDING AND EN  | - v.   | TOTAL NUMBER C<br>PAGES IN DOCUM<br>INCLUDING THIS | ENT /                                      |
|---|--|--|--|
|   |  |  | Partial Lots v                             |
| Block V Lots - ONLY IF ENTI   | 12.01  |  | P/O  |
| Premises ¥  | NAME V   |  |  |
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#### FIFTH AMENDMENT TO THE DECLARATION OF TRUMP TOWER CONDOMINIUM

#### (Pursuant to Article 9-B of the Real Property Law of the State of New York)

The Residential Board of Trump Tower Condominium, having an office in care of The Trump Corporation, 725 Fifth Avenue, New York, New York 10022 (the "Residential Board") does hereby declare as follows:

This is the Fifth Amendment of that certain declaration (the "Original 1. Declaration") establishing a plan for condominium ownership of the Building and the Land on which same is erected comprising Trump Tower Condominium, made by The Trump-Equitable Fifth Avenue Company, as Sponsor, pursuant to the Condominium Act of the State of New York (Article 9 of the Real Property Law of the State of New York), which Declaration is dated February 24, 1983 and was recorded in the New York County Office of the Register of The City of New York ("City Register's Office") on March 23, 1983 as Plan No. 86 in Reel 674, page 848, as modified by our: (i) the First Amendment to Declaration of Trump Tower Condominium (the "First Amendment"), dated as of October 11, 1994, recorded in the City Register's Office as Plan No. 86A in Reel 2159, page 0340; (ii) the Second Amendment to Declaration of Trump Tower Condominium (the "Second Amendment"), dated as of April 4, 1997, recorded in the City Register's Office as Plan 86B in Reel, 2465, page 950; (iii) the Third Amendment to Declaration of Trump Tower Condominium (the "Third Amendment"), dated as of July 15, 1997, recorded in the City Register's Office as Plan No. 86C in Reel, 2523, page 0880; and (iv) the Fourth Amendment to Declaration of Trump Tower Condominium (the "Fourth Amendment"), dated as of August 30, 2000, recorded in the City Register's Office in Reel 3254, page 1211 (the Original Declaration, as amended by the First Amendment, the Second Amendment, the Third Amendment and the Fourth Amendment is hereinafter collectively referred to as the "Declaration").

2. Schedule B to the Declaration (said Schedule being recorded in the City Register's Office in Reel 674 at pages 957 through 969) sets forth certain data with respect to each Unit necessary for the proper identification thereof, to wit: Unit designation, tax lot number, direction in which each Unit faces, approximate square foot area, number of rooms, the portions of the Common Elements to which the Unit has immediate access, and the percentage of interest in the Common Elements appurtenant to each Unit. Unit 58H, Unit 58L and Unit 58M have been combined with one another thereby forming combined Unit 58H/L/M. Accordingly, Schedule B to the Declaration is hereby amended to reflect such alterations as follows:

(1) The reference to Unit 58H and all data set forth in Schedule B to the Declaration pertaining to Unit 58H is hereby deleted therefrom.

(2) The reference to Unit 58L and all data set forth in Schedule B to the Declaration pertaining to Unit 58L is hereby deleted therefrom.

KL3:2266934.1

(3) The reference to Unit 58M and all data set forth in Schedule B to the Declaration pertaining to Unit 58M is hereby deleted therefrom.

(4) The aforementioned data with respect to Unit 58H/L/M (as combined) is hereby added to Schedule B to the Declaration as follows:

|              |      | Approx.  |        | Percentage    |
|--------------|------|----------|--------|---------------|
| Unit         | Tax  | Area     | Number | of Interest   |
| Designation  | Lot  | in       | of     | in the Common |
| (Apt. No.)   | No.  | Sq. Ft.  | Rooms  | Elements      |
| Unit 58H/L/M | 1217 | 4,787.33 | 121/2  | .8359806      |

Unit 58H/L/M is located in the portion of the Building facing north, south and west. The Common Elements to which Unit 58H/L/M has immediate access are the public corridors, fire stairs and elevators.

3. The fifth amendment to the Floor Plans of the Building, certified by Daniel Cohs, Architect, showing the floor plan for Unit 58H/L/M is intended to be filed in the City Register's Office as Condominium Plan No. 86D simultaneously with the recording of this Fifth Amendment to the Declaration of Trump Tower Condominium. The said fifth amendment to the Floor Plans of the Building replaces and supersedes the original floor plans for Unit 58H, Unit 58L and Unit 58M certified by Swanke Hayden Connell & Partners, Architects, on February 2, 1983 and filed in the City Register's Office on March 23, 1983 as part of Condominium Plan No. 86.

4. All of the terms used in this Fifth Amendment shall have the same meaning as ascribed thereto in the Declaration.

5. The Declaration as amended by this Fifth Amendment is incorporated herein by reference with the same force and effect as if set forth at length. All rights, obligations, easements, restrictions and other provisions set forth in the Declaration which by the terms thereof are appurtenant or binding upon Unit 58H, Unit 58L and/or Unit 58M, and the owner(s) thereof, shall be deemed to be appurtenant or binding upon combined Unit 58H/L/M and the owner thereof. Except as hereby amended, all other terms and provisions of the Declaration are hereby ratified and confirmed and shall remain in full force and effect.

6. The provisions of this Fifth Amendment to the Declaration shall be perpetual and be construed to be covenants running with the Land and every part thereof and interest therein, and all provisions hereof shall be binding upon and inure to the benefit of the owners of all or any part of the property, or interest therein, and his, its or their heirs, executors, administrators, legal representatives, successors and assigns.

7. If any provision of this Fifth Amendment to the Declaration, or any section, sentence, clause, phrase or word, or the application thereof shall in any circumstances be

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judicially held in conflict with the laws of the State of New York, then the said laws shall be deemed controlling and the validity, force and effect of the remainder of this Fifth Amendment to the Declaration and the application of any such provision, section, sentence, clause, phrase or word in other circumstances shall not be affected thereby.

IN WITNESS WHEREOF, the Residential Board has caused this Fifth Amendment to the Declaration to be executed as of this 1st day of June, 2003.

THE RESIDENTIAL BOARD OF TRUMP TOWER CONDOMINIUM

STATE OF NEW YORK )

SS .:

COUNTY OF NEW YORK )

personally appeared brald J. Thus ppersonally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individuals(s) acted, exequted the instrument.

(Signature and office of individual taking acknowledgment)

NORMA I. FOERDERER NOTARY PUBLIC, State of New York No. 01FO4743494 Qualified in New York County Commission Expires Sept. 30, 200 5

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#### CONSENT

The undersigned, CHARLES D. KELMAN, as Trustee of The Charles D. Kelman Revocable Trust dated May 16, 2001, being the owner of the fee title to the residential units known as Unit 58H, Unit 58L and Unit 58M in the premises known as Trump Tower Condominium and also known by the street numbers 721-725 Fifth Avenue, Borough of Manhattan, City, County and State of New York, said Unit being designated and described as Unit No. 58H, Unit No. 58L and Unit No. 58M in the declaration ("Original Declaration"), establishing a plan for condominium ownership of said premises under Article 9-B of the Real Property Law of the State of New York (the "New York Condominium Act") dated February 24, 1983, and recorded in the New York County office of the Register of The City of New York (the "City Register's Office") on March 23, 1983 in Reel 674, page 848, as modified by our: (i) the First Amendment to Declaration of Trump Tower Condominium (the "First Amendment"), dated as of October 11, 1994, recorded in the City Register's Office as Plan No. 86A in Reel 2159, page 0340; (ii) the Second Amendment to Declaration of Trump Tower Condominium (the "Second Amendment"), dated as of April 4, 1997, recorded in the City Register's Office as Plan 86B in Reel, 2465, page 950; (iii) the Third Amendment to Declaration of Trump Tower Condominium (the "Third Amendment"), dated as of July 15, 1997, recorded in the City Register's Office as Plan No. 86C in Reel, 2523, page 0880; and (iv) the Fourth Amendment to Declaration of Trump Tower Condominium (the "Fourth Amendment"), dated as of August 30, 2000, recorded in the City Register's Office in Reel 3254, page 1211 (the Original Declaration, as amended by the First Amendment, the Second Amendment, the Third Amendment and the Fourth Amendment is hereinafter collectively referred to as the "Declaration"), and also designated as Tax Lot Nos. 1217, 1218 and 1219 (respectively) in Block 1292 of Section 5 of the Borough of Manhattan on the Tax Map of the Real Property Assessment Department of The City of New York and on the Floor Plans of the Building, certified by Swanke Hayden Connell & Partners, Architects, on February 2, 1983, and filed in the City Register's Office on March 23, 1983 as Condominium Plan No. 86 (the said Unit being located in the Building erected on the Land described in Schedule A attached hereto and made a part hereof),

DOES HEREBY CONSENT to (a) that certain amendment dated as of May 1, 2003 entitled Fifth Amendment to the Declaration of Trump Tower Condominium which, among other things, (i) deletes the reference to Unit 58H, Unit 58L and Unit 58M and all data set forth in Schedule B to the Declaration pertaining thereto and (ii) adds to Schedule B to the Declaration certain data with respect to combined Unit 58H/L/M in order to reflect certain alterations to the said Unit and (b) that certain first amendment to the Floor Plans of the Building, certified by Daniel Cohs, Architect, intended to be filed in the City Register's Office as Condominium Plan No. 86D simultaneously with the recording of the said Fifth Amendment to the Declaration of Trump Tower Condominium, showing the floor plan for combined Unit 58H/L/M.

All capitalized terms used herein which are defined in the Declaration and are not separately defined herein shall have the meanings given to the said terms in the Declaration.

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IN WITNESS WHEREOF, the undersigned owner of said Unit No. 58H/L/M has duly executed this Consent as of the 1st day of June, 2003

THE CHARLES D. KELMAN REVOCABLE

TRUST Βv

Charles D. Kelman, Trustee

STATE OF NEW YORK )

SS.:

COUNTY OF NEW YORK )

On the  $\frac{1}{2}$  day of  $\frac{1}{2}$  in the year  $\frac{1}{20}$  before me, the undersigned, personally appeared  $\frac{1}{2}$  appeared  $\frac{1}{2}$  before me, the undersigned, personally evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual made such appearance before the undersigned in the  $\frac{1}{2}$  dense  $\frac{1}{2}$  (Insert the city or other political subdivision and the state or country or other place the acknowledgement was taken).

(Signature and office of individual taking acknowledgment)

DARREN S. BERGER Notary Public, State of New York No. 4991235 Qualified in New York County Term Expires January 27, 20

KL3:2266934.1

#### SCHEDULE A TO CONSENT BY RESIDENTIAL UNIT OWNER TO FIFTH AMENDMENT TO THE DECLARATION OF TRUMP TOWER CONDOMINIUM

#### DESCRIPTION OF THE LAND

All that certain lot, piece or parcel of land, situate, lying and being in the Borough of Manhattan, City, County and State of New York, bounded and described as follows:

BEGINNING at the corner formed by the intersection of the Northerly side of East 56th Street with the Easterly side of Fifth Avenue; running

THENCE Easterly along the Northerly side of East 56th Street, 175 feet;

THENCE Northerly and parallel with the Easterly side of Fifth Avenue and part of the distance through a party wall, 100 feet 5 inches, to the center line of the block;

THENCE Westerly along the center line of the block, 50 feet;

THENCE Northerly and parallel with the Easterly side of Fifth Avenue, 15 feet;

THENCE Westerly and parallel with the Northerly side of East 56th Street, 125 feet to the Easterly side of Fifth Avenue; and

THENCE Southerly along the Easterly side of Fifth Avenue, 115 feet 5 inches, to the point or place of BEGINNING.

Said premises being known as 721-725 Fifth Avenue.

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CONDOMINIA IN 26 D

CONDOMINIUM NUMBER: 86D

#### FIFTH AMENDMENT TO

#### THE DECLARATION OF TRUMP TOWER CONDOMINIUM

Establishing a Plan for Condominium Ownership of the Trump Tower Condominium at the premises known as 721 Fifth Avenue, New York, New York 10022. Pursuant to Article 9-B of the Real Property Law of the State of New York.

#### SPONSOR:

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The Trump-Equitable Fifth Avenue Company, having an office care of The Trump Organization, 725 Fifth Avenue, New York, New York

| Name of Condominium:                       | Trump Tower Condominium   |
|--|---|
| Address of Condominium:                    | 721 Fifth Avenue<br>New York, New York 10022  |
| Date of Declaration:                       | February 24, 1983   |
| Date of Fifth Amendment<br>to Declaration: | As of June 1, 2003  |
| Prepared by:                               | Kramer Levin Naftalis & Frankel LLP<br>919 Third Avenue<br>New York, New York 10022 |

The land affected by the within instrument lies in Block 1292, f/k/a Lots 1217, 1218 and 1219, n/k/a Lot 1217 of the Tax Map of the County of New York, City and State of New York.

KL3:2266934.1

#### SIXTH AMENDMENT TO

#### THE DECLARATION OF TRUMP TOWER CONDOMINIUM

Establishing a Plan for Condominium Ownership of the Trump Tower Condominium at the premises known as 721 Fifth Avenue, New York, New York 10022. Pursuant to Article 9-B of the Real Property Law of the State of New York.

#### SPONSOR:

The Trump-Equitable Fifth Avenue Company, having an office care of The Trump Organization, 725 Fifth Avenue, New York, New York

| Name of Condominium:                    | Trump Tower Condominium   |
|---|---|
| Address of Condominium:                 | 721 Fifth Avenue<br>New York, New York 10022  |
| Date of Declaration:                    | February 24, 1983   |
| Date of Fifth Amendment to Declaration: | As of August 19, 2003   |
| Prepared by:                            | Kramer Levin Naftalis & Frankel LLP<br>919 Third Avenue<br>New York, New York 10022 |

The land affected by the within instrument lies in Block 1292, f/k/a Lots 1234 and 1235, n/k/a Lot 1234 of the Tax Map of the County of New York, City and State of New York.

KL3:2285499.1

#### SIXTH AMENDMENT TO THE DECLARATION OF TRUMP TOWER CONDOMINIUM

#### (Pursuant to Article 9-B of the Real Property Law of the State of New York)

The Residential Board of Trump Tower Condominium, having an office in care of The Trump Corporation, 725 Fifth Avenue, New York, New York 10022 (the "Residential Board") does hereby declare as follows:

This is the Sixth Amendment of that certain declaration (the "Original 1. Declaration") establishing a plan for condominium ownership of the Building and the Land on which same is erected comprising Trump Tower Condominium, made by The Trump-Equitable Fifth Avenue Company, as Sponsor, pursuant to the Condominium Act of the State of New York (Article 9 of the Real Property Law of the State of New York), which Declaration is dated February 24, 1983 and was recorded in the New York County Office of the Register of The City of New York ("City Register's Office") on March 23, 1983 as Plan No. 86 in Reel 674, page 848, as modified by: (i) the First Amendment to Declaration of Trump Tower Condominium (the "First Amendment"), dated as of October 11, 1994 and recorded in the City Register's Office as Plan No. 86A in Reel 2159, page 0340; (ii) the Second Amendment to Declaration of Trump Tower Condominium (the "Second Amendment"), dated as of April 4, 1997 and recorded in the City Register's Office as Plan 86B in Reel 2465, page 950; (iii) the Third Amendment to Declaration of Trump Tower Condominium (the "Third Amendment"), dated as of July 15, 1997 and recorded in the City Register's Office as Plan No. 86C in Reel 2523, page 0880; (iv) the Fourth Amendment to Declaration of Trump Tower Condominium (the "Fourth Amendment"), dated as of August 30, 2000 and recorded in the City Register's Office in Reel 3254, page 1211; and (v) the Fifth Amendment to Declaration of Trump Tower Condominium (the "Fifth Amendment"), dated as of June 1, 2003 and recorded in the City Register's Office as Plan No. 86D in Reel 674, page 848 (the Original Declaration, as amended by the First Amendment, the Second Amendment, the Third Amendment, the Fourth Amendment and the Fifth Amendment is hereinafter collectively referred to as the "Declaration").

2. Schedule B to the Declaration (said Schedule being recorded in the City Register's Office in Reel 674 at pages 957 through 969) sets forth certain data with respect to each Unit necessary for the proper identification thereof, to wit: Unit designation, tax lot number, direction in which each Unit faces, approximate square foot area, number of rooms, the portions of the Common Elements to which the Unit has immediate access, and the percentage of interest in the Common Elements appurtenant to each Unit. Unit 61A and Unit 61B have been combined with one another thereby forming combined Unit 61A/B. Accordingly, Schedule B to the Declaration is hereby amended to reflect such alterations as follows:

(1) The reference to Unit 61A and all data set forth in Schedule B to the Declaration pertaining to Unit 61A is hereby deleted therefrom.

(2) The reference to Unit 61B and all data set forth in Schedule B to the Declaration pertaining to Unit 61B is hereby deleted therefrom.

K1.3:2285499.1

(3) The aforementioned data with respect to Unit 61A/B (as combined) is hereby added to Schedule B to the Declaration as follows:

| Unit<br>Designation<br>(Apt. No.) | Tax<br>Lot<br>No. | Approx.<br>Area<br>in<br>Sq. Ft. | Number<br>of<br>Rooms | Percentage<br>of Interest<br>in the Common<br>Elements |
|-----------------------------------|-------------------|----------------------------------|-----------------------|--|
| Unit 61A/B                        | 1234              | 3,073.26                         | 7                     | .5359307   |

Unit 61A/B is located in the portion of the Building facing south, east and west. The Common Elements to which Unit 61A/B has immediate access are the public corridors, fire stairs, trash chute and elevators.

3. That certain amendment to the Floor Plans of the Building, certified by Victor Famulari, R.A. NCARB, showing the floor plan for Unit 61A/B is intended to be filed in the City Register's Office as Condominium Plan No. 86E simultaneously with the recording of this Sixth Amendment to the Declaration of Trump Tower Condominium. The said amendment to the Floor Plans of the Building replaces and supersedes the original floor plans for Unit 61A and Unit 61B certified by Swanke Hayden Connell & Partners, Architects, on February 2, 1983 and filed in the City Register's Office on March 23, 1983 as part of Condominium Plan No. 86.

4. All of the terms used in this Sixth Amendment shall have the same meaning as ascribed thereto in the Declaration.

5. The Declaration as amended by this Sixth Amendment is incorporated herein by reference with the same force and effect as if set forth at length. All rights, obligations, easements, restrictions and other provisions set forth in the Declaration which by the terms thereof are appurtenant or binding upon Unit 61A and/or Unit 61B, and the owner(s) thereof, shall be deemed to be appurtenant or binding upon combined Unit 61A/B and the owner thereof. Except as hereby amended, all other terms and provisions of the Declaration are hereby ratified and confirmed and shall remain in full force and effect.

6. The provisions of this Sixth Amendment to the Declaration shall be perpetual and be construed to be covenants running with the Land and every part thereof and interest therein, and all provisions hereof shall be binding upon and inure to the benefit of the owners of all or any part of the property, or interest therein, and his, its or their heirs, executors, administrators, legal representatives, successors and assigns.

7. If any provision of this Sixth Amendment to the Declaration, or any section, sentence, clause, phrase or word, or the application thereof shall in any circumstances be judicially held in conflict with the laws of the State of New York, then the said laws shall be deemed controlling and the validity, force and effect of the remainder of this Sixth Amendment to the Declaration and the application of any such provision, section, sentence, clause, phrase or word in other circumstances shall not be affected thereby.

KL3:2285499.1

IN WITNESS WHEREOF, the Residential Board has caused this Sixth Amendment to the Declaration to be executed as of this 19th day of August, 2003.

THE RESIDENTIAL BOARD OF TRUMP TOWER CONDOMINIUM

ву:\_\_\_\_

STATE OF NEW YORK ) ; SS.:

COUNTY OF NEW YORK )

On the 10<sup>4</sup> day of <u>Alipsin</u> the year <u>200<sup>2</sup></u> before me, the undersigned, personally appeared <u>Danked J Tronk</u>, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) aqted, executed the instrument.

(Signature and office of individual taking acknowledgment)

NORMA I. FOERDERER NOTARY PUBLIC, State of New York No. 01FO4743494 Qualified in New York County Commission Expires Sept. 30, 200

KL3:2285499.1

#### <u>CONSENT</u>

The undersigned, SPC/TOWER, LLC, being the owner of the fee title to the residential units known as Unit 61A and Unit 61B in the premises known as Trump Tower Condominium and also known by the street numbers 721-725 Fifth Avenue, Borough of Manhattan, City, County and State of New York, said Unit being designated and described as Unit No. 61A and Unit No. 61B in the declaration ("Original Declaration"), establishing a plan for condominium ownership of said premises under Article 9-B of the Real Property Law of the State of New York (the "New York Condominium Act") dated February 24, 1983, and recorded in the New York County office of the Register of The City of New York (the "City Register's Office") on March 23, 1983 in Reel 674, page 848, as modified by: (i) the First Amendment to Declaration of Trump Tower Condominium (the "First Amendment"), dated as of October 11, 1994 and recorded in the City Register's Office as Plan No. 86A in Reel 2159, page 0340; (ii) the Second Amendment to Declaration of Trump Tower Condominium (the "Second Amendment"), dated as of April 4, 1997 and recorded in the City Register's Office as Plan 86B in Reel, 2465, page 950; (iii) the Third Amendment to Declaration of Trump Tower Condominium (the "Third Amendment"), dated as of July 15, 1997 and recorded in the City Register's Office as Plan No. 86C in Reel, 2523, page 0880; (iv) the Fourth Amendment to Declaration of Trump Tower Condominium (the "Fourth Amendment"), dated as of August 30, 2000 and recorded in the City Register's Office in Reel 3254, page 1211; and (v) the Fifth Amendment to Declaration of Trump Tower Condominium (the "Fifth Amendment"), dated as of June 1, 2003 and recorded in the City Register's Office as Plan No. 86D in Reel 674, page 848 (the Original Declaration, as amended by the First Amendment, the Second Amendment, the Third Amendment, the Fourth Amendment and the Fifth Amendment is hereinafter collectively referred to as the "Declaration"), and also designated as Tax Lot Nos. 1234 and 1235 (respectively) in Block 1292 of Section 5 of the Borough of Manhattan on the Tax Map of the Real Property Assessment Department of The City of New York and on the Floor Plans of the Building, certified by Swanke Hayden Connell & Partners, Architects, on February 2, 1983, and filed in the City Register's Office on March 23, 1983 as Condominium Plan No. 86 (the said Unit being located in the Building crected on the Land described in Schedule A attached hereto and made a part hereof).

DOES HEREBY CONSENT to (a) that certain amendment dated as of August 19, 2003 entitled Sixth Amendment to the Declaration of Trump Tower Condominium which, among other things, (i) deletes the reference to Unit 61A and Unit 61B and all data set forth in Schedule B to the Declaration pertaining thereto and (ii) adds to Schedule B to the Declaration certain data with respect to combined Unit 61A/B in order to reflect certain alterations to the said Unit and (h) that certain amendment to the Floor Plans of the Building, certified by Victor Famulari, R.A. NÇARB, intended to be filed in the City Register's Office as Condominium Plan No. 86E simultaneously with the recording of the said Sixth Amendment to the Declaration of Trump Tower Condominium, showing the floor plan for combined Unit 61A/B.

All capitalized terms used herein which are defined in the Declaration and are not separately defined herein shall have the meanings given to the said terms in the Declaration.

X11:2265499.1

OB SEP. 3. 2003 . 9: 34 AM AX 71 MINTZ & GOLD SUTSCH & SCHNEIDER LLP +++ GOLD

IN WITNESS WHEREOF, the undersigned owner of said Unit No. 61A/B has duly executed this Consent as of the 19<sup>th</sup> day of August, 2003.

SPC/TOWER, LLC

By:

Name: German/Esquerra Title: Manager

# COUNTY OF Mini-Dade

On the <u>3</u>M day of <u>Captember</u> in the year 2003, before me, the undersigned, personally appeared GERMAN ESGUERRA, 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, that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument, and that such individual made such appearance before the undersigned in the City/Town/Village of <u>Camruse</u>, <u>H</u>

Masicamice XY. Cahe Notary Public 09/03/03

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#### SCHEDULE A TO CONSENT BY RESIDENTIAL UNIT OWNER TO FIFTH AMENDMENT TO THE DECLARATION OF TRUMP TOWER CONDOMINIUM

#### DESCRIPTION OF THE LAND

All that certain lot, piece or parcel of land, situate, lying and being in the Borough of Manhattan, City, County and State of New York, bounded and described as follows:

BEGINNING at the corner formed by the intersection of the Northerly side of East 56th Street with the Easterly side of Fifth Avenue; running

THENCE Easterly along the Northerly side of East 56th Street, 175 fcet;

THENCE Northerly and parallel with the Easterly side of Fifth Avenue and part of the distance through a party wall, 100 feet 5 inches, to the center line of the block;

THENCE Westerly along the center line of the block, 50 feet;

THENCE Northerly and parallel with the Easterly side of Fifth Avenue, 15 feet;

THENCE Westerly and parallel with the Northerly side of East 56th Street, 125 feet to the Easterly side of Fifth Avenue; and

THENCE Southerly along the Easterly side of Fifth Avenue, 115 feet 5 inches, to the point or place of BEGINNING.

Said premises being known as 721-725 Fifth Avenue.

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|  | ***   | PROPEI       | RTY DATA  |
| Borough Block  | Lot   | Unit .       | Address   |
|  | 1034 Entire   | Lot 34 A     | 721 5 AVENUE  |
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| Borough Block  | Lot   | Unit         | Address   |
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|  |   | FEES AI      | ND TAXES  |
| Mortgage   | ,   |              | Recording Fee: \$ 65.00                                     |
| Mortgage Amount:   | \$  | 0.00         | Affidavit Fee: \$ 0.00                                      |
| Taxable Mortgage Amount:   | \$  | 0.00         | NYC Real Property Transfer Tax FilingFee:                   |
| Exemption:   | <u> </u>  |              | \$ 0.00   |
| TAXES:   | ŧ   |              | NYS Real Estate Transfer Tax:                               |
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#### CONDOMINIUM PLAN NUMBER: 86F

#### SEVENTH AMENDMENT TO

#### THE DECLARATION OF TRUMP TOWER CONDOMINIUM

Establishing a Plan for Condominium Ownership of the Trump Tower Condominium at the premises known as 721 Fifth Avenue, New York, New York 10022. Pursuant to Article 9-B of the Real Property Law of the State of New York.

#### SPONSOR:

.

The Trump-Equitable Fifth Avenue Company, having an office care of The Trump Organization, 725 Fifth Avenue, New York, New York

| Name of Condominium:                      | Trump Tower Condominium   |
|---|---|
| Address of Condominium:                   | 721 Fifth Avenue<br>New York, New York 10022  |
| Date of Declaration:                      | February 24, 1983   |
| Date of Seventh Amendment to Declaration: | As of January 12, 2004  |
| Prepared by:                              | Kramer Levin Naflalis & Frankel LLP<br>919 Third Avenue<br>New York, New York 10022 |

The land affected by the within instrument lies in Block 1292, f/k/a Lots 1034 and 1035, n/k/a Lot 1034 of the Tax Map of the County of New York, City and State of New York.

KL3.23119721

#### SEVENTH AMENDMENT TO THE DECLARATION OF TRUMP TOWER CONDOMINIUM

#### (Pursuant to Article 9-B of the Real Property Law of the State of New York)

The Residential Board of Trump Tower Condominium, having an office in care of The Trump Corporation, 725 Fifth Avenue, New York, New York 10022 (the "Residential Board") does hereby declare as follows:

This is the Seventh Amendment of that certain declaration (the "Original 1. Declaration") establishing a plan for condominium ownership of the Building and the Land on which same is erected comprising Trump Tower Condominium, made by The Trump-Equitable Fifth Avenue Company, as Sponsor, pursuant to the Condominium Act of the State of New York (Article 9 of the Real Property Law of the State of New York), which Declaration is dated February 24, 1983 and was recorded in the New York County Office of the Register of The City of New York ("City Register's Office") on March 23, 1983 as Plan No. 86 in Reel 674, page 848, as modified by: (i) the First Amendment to Declaration of Trump Tower Condominium (the "First Amendment"), dated as of October 11, 1994 and recorded in the City Register's Office as Plan No. 86A in Reel 2159, page 0340; (ii) the Second Amendment to Declaration of Trump Tower Condominium (the "Second Amendment"), dated as of April 4, 1997 and recorded in the City Register's Office as Plan 86B in Reel 2465, page 950; (iii) the Third Amendment to Declaration of Trump Tower Condominium (the "Third Amendment"), dated as of July 15, 1997 and recorded in the City Register's Office as Plan No. 86C in Reel 2523, page 0880; (iv) the Fourth Amendment to Declaration of Trump Tower Condominium (the "Fourth Amendment"), dated as of August 30, 2000 and recorded in the City Register's Office in Reel 3254, page 1211; (v) the Fifth Amendment to Declaration of Trump Tower Condominium (the "Fifth Amendment"), dated as of June 1, 2003 and recorded in the City Register's Office as Plan No. 86D in Reel 674, page 848, and (vi) the Sixth Amendment to Declaration of Trump Tower Condominium (the "Sixth Amendment"), dated as of August 19, 2003 and recorded in the City Register's Office as Plan No. 86E as CRFN 2003000369076 (the Original Declaration, as amended by the First Amendment, the Second Amendment, the Third Amendment, the Fourth Amendment, the Fifth Amendment and the Sixth Amendment is hereinafter collectively referred to as the "Declaration"). SEE EXHIBIT A (ATTACHED) DOC. 10 # 2004042001515002

2. Schedule B to the Declaration (said Schedule being recorded in the City Register's Office in Reel 674 at pages 957 through 969) sets forth certain data with respect to each Unit necessary for the proper identification thereof, to wit: Unit designation, tax lot number, direction in which each Unit faces, approximate square foot area, number of rooms, the portions of the Common Elements to which the Unit has immediate access, and the percentage of interest in the Common Elements appurtenant to each Unit. Unit 34A and Unit 34B have been combined with one another thereby forming combined Unit 34A/B. Accordingly, Schedule B to the Declaration is hereby amended to reflect such alterations as follows:

(1) The reference to Unit 34A and all data set forth in Schedule B to the Declaration pertaining to Unit 34A is hereby deleted therefrom.

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(2)The reference to Unit 34B and all data set forth in Schedule B to the Declaration pertaining to Unit 34B is hereby deleted therefrom.

The aforementioned data with respect to Unit 34A/B (as combined) is hereby added to Schedule B to the Declaration as follows: Percentage Approx. of Interest Tax Unit Area Number Designation Lot in of in the Common

(3)

(Apt. No.) No. Sa. Ft. Rooms Elements 9 Rooms Unit 34A/B 1034 3132.46 3 Bathrooms .5359307 2 Halfbathrooms

(4) No Units other than Units 34A and 34 B are affected by this Seventh Amendment to the Declaration of Trump Tower Condominium.

Unit 34A/B is located in the portion of the Building facing south, east and west. The Common Elements to which Unit 34A/B has immediate access are the public corridors, fire stairs, trash chute and elevators.

3. That certain amendment to the Floor Plans of the Building, certified by Jonathan B. Held, A.I.A, P.C., showing the floor plan for Unit 34A/B is intended to be filed in the City Register's Office as Condominium Plan No. 86F simultaneously with the recording of this Seventh Amendment to the Declaration of Trump Tower Condominium. The said amendment to the Floor Plans of the Building replaces and supersedes the original floor plans for Unit 34A and Unit 34B certified by Swanke Hayden Connell & Partners, Architects, on February 2, 1983 and filed in the City Register's Office on March 23, 1983 as part of Condominium Plan No. 86.

All of the terms used in this Seventh Amendment shall have the same meaning as 4 ascribed thereto in the Declaration.

5. The Declaration as amended by this Seventh Amendment is incorporated herein by reference with the same force and effect as if set forth at length. All rights, obligations, easements, restrictions and other provisions set forth in the Declaration which by the terms thereof are appurtenant or binding upon Unit 34A and/or Unit 34B, and the owner(s) thereof, shall be deemed to be appurtenant or binding upon combined Unit 34A/B and the owner thereof. Except as hereby amended, all other terms and provisions of the Declaration are hereby ratified and confirmed and shall remain in full force and effect.

6. The provisions of this Seventh Amendment to the Declaration shall be perpetual and be construed to be covenants running with the Land and every part thereof and interest therein, and all provisions hereof shall be binding upon and inure to the benefit of the owners of all or any part of the property, or interest therein, and his, its or their heirs, executors, administrators, legal representatives, successors and assigns.

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7. If any provision of this Seventh Amendment to the Declaration, or any section, sentence, clause, phrase or word, or the application thereof shall in any circumstances be judicially held in conflict with the laws of the State of New York, then the said laws shall be deemed controlling and the validity, force and effect of the remainder of this Seventh Amendment to the Declaration and the application of any such provision, section, sentence, clause, phrase or word in other circumstances shall not be affected thereby.

IN WITNESS WHEREOF, the Residential Board has caused this Seventh Amendment to the Declaration to be executed as of this 12th day of January, 2004.

THE RESIDENTIAL BOARD OF TRUMP TOWER CONDOMINIUM

Mays have secretary

## STATE OF NEW YORK )

SS.:

COUNTY OF NEW YORK

On the <u>12</u> day of <u>hyperbolic</u> in the year <u>before</u> me, the undersigned, personally appeared <u>5000 TOLESNIC</u>, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individuals(s) acted, executed the instrument.

Signature and office of individual taking

(Signature and office of individual taking acknowledgment)

ROSHELLE A. NURSE NOTARY PUBLIC, State of New York No. 01NU8067235 Qualified in Kings County Commission Expires Dec. 3, 20\_5

KL3/2311972-1

### EXHIBIT A

#### **CONSENT**

The undersigned, REZA HABIB and SARWAT HABIB, his wife, being the owners of the fee title to the residential units known as Unit 34A and Unit 34B in the premises known as Trump Tower Condominium and also known by the street numbers 721-725 Fifth Avenue. Borough of Manhattan, City, County and State of New York, said Units being designated and described as Unit No. 34A and Unit No. 34B in the declaration ("Original Declaration"), establishing a plan for condominium ownership of said premises under Article 9-B of the Real Property Law of the State of New York (the "New York Condominium Act") dated February 24. 1983, and recorded in the New York County office of the Register of The City of New York (the "City Register's Office") on March 23, 1983 in Reel 674, page 848, as modified by: (i) the First Amendment to Declaration of Trump Tower Condominium (the "First Amendment"), dated as of October 11, 1994 and recorded in the City Register's Office as Plan No. 86A in Reel 2159, page 0340: (ii) the Second Amendment to Declaration of Trump Tower Condominium (the "Second Amendment"), dated as of April 4, 1997 and recorded in the City Register's Office as Plan 86B in Reel, 2465, page 950; (iii) the Third Amendment to Declaration of Trump Tower Condominium (the "Third Amendment"), dated as of July 15, 1997 and recorded in the City Register's Office as Plan No. 86C in Reel, 2523, page 0880; (iv) the Fourth Amendment to Declaration of Trump Tower Condominium (the "Fourth Amendment"), dated as of August 30, 2000 and recorded in the City Register's Office in Reel 3254, page 1211; (v) the Fifth Amendment to Declaration of Trump Tower Condominium (the "Fifth Amendment"), dated as of June 1, 2003 and recorded in the City Register's Office as Plan No. 86D in Reel 674, page 848. and (vi) the Sixth Amendment to Declaration of Trump Tower Condominium (the "Sixth Amendment"), dated as of August 19, 2003 and recorded in the City Register's Office as Plan No. 86E as CRFN 2003000369076 (the Original Declaration, as amended by the First Amendment, the Second Amendment, the Third Amendment, the Fourth Amendment, the Fifth Amendment and the Sixth Amendment is hereinafter collectively referred to as the "Declaration"), and also designated as Tax Lot Nos. 1034 and 1034A (respectively) in Block 1292 of Section 5 of the Borough of Manhattan on the Tax Map of the Real Property Assessment Department of The City of New York and on the Floor Plans of the Building, certified by Swanke Hayden Connell & Partners, Architects, on February 2, 1983, and filed in the City Register's Office on March 23, 1983 as Condominium Plan No. 86 (the said Unit being located in the Building erected on the Land described in Schedule A attached hereto and made a part hereof),

DO HEREBY CONSENT to (a) that certain amendment dated as of January 12, 2004 entitled Seventh Amendment to the Declaration of Trump Tower Condominium which, among other things, (i) deletes the reference to Unit 34A and Unit 34B and all data set forth in Schedule B to the Declaration pertaining thereto and (ii) adds to Schedule B to the Declaration certain data with respect to combined Unit 34A/B in order to reflect certain alterations to the said Unit and (b) that certain amendment to the Floor Plans of the Building, certified by Jonathan B. Held, A.I.A., P.C., intended to be filed in the City Register's Office as Condominium Plan No. 86F simultaneously with the recording of the said Seventh Amendment to the Declaration of Trump Tower Condominium, showing the floor plan for combined Unit 34A/B.

In executing this CONSENT, the undersigned do hereby represent and certify that (a) all construction and other work required to complete the physical combination of Unit 34A and 34B

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into combined Unit 34A/B has been fully completed in accordance with applicable law; (b) all authorizations, permits, licenses and approvals required by and/or from any governmental and/or other authority in connection with the combination of said Units into combined Unit 34A/B have been issued; and (c) said combination of Units was effected in full compliance with all rules, regulations and requirements of the Trump Tower Condominium.

All capitalized terms used herein which are defined in the Declaration and are not separately defined herein shall have the meanings given to the said terms in the Declaration.

IN WITNESS WHEREOF, the undersigned owners of said Unit No. 34A/B have duly executed this Consent as of the 12th day of January, 2004.

REZA HABIB by SALEEM IQBAL, Attorneyin-Fact THABIB by SALEEM IQBAL, Attorney-SARW In-Fac

#### STATE OF NEW YORK )

COUNTY OF NEW YORK )

SS.:

(Signature and office of individual taking

acknowledgment)

GANGADAI R. AZIM NOTARY PUBLIC, State of New York No. 01AZ5085113 Qualified in Queens County Commission Expires Sept. 15, 2005

KLJ 2311972.1

#### SCHEDULE A TO CONSENT BY RESIDENTIAL UNIT OWNER TO SEVENTH AMENDMENT TO THE DECLARATION OF TRUMP TOWER CONDOMINIUM

#### DESCRIPTION OF THE LAND

All that certain lot, piece or parcel of land, situate, lying and being in the Borough of Manhattan, City, County and State of New York, bounded and described as follows:

BEGINNING at the corner formed by the intersection of the Northerly side of East 56th Street with the Easterly side of Fifth Avenue; running

THENCE Easterly along the Northerly side of East 56th Street, 175 feet;

THENCE Northerly and parallel with the Easterly side of Fifth Avenue and part of the distance through a party wall, 100 feet 5 inches, to the center line of the block;

THENCE Westerly along the center line of the block, 50 feet;

THENCE Northerly and parallel with the Easterly side of Fifth Avenue, 15 feet;

THENCE Westerly and parallel with the Northerly side of East 56th Street, 125 feet to the Easterly side of Fifth Avenue; and

THENCE Southerly along the Easterly side of Fifth Avenue, 115 feet 5 inches, to the point or place of BEGINNING.

Said premises being known as 721-725 Fifth Avenue.

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#### EIGHTH AMENDMENT TO THE DECLARATION OF TRUMP TOWER CONDOMINIUM

(Pursuant to Article 9-B of the Real Property Law of the State of New York)

The Residential Board of Trump Tower Condominium, having an office in care of The Trump Corporation, 725 Fifth Avenue, New York, New York 10022 (the "Residential Board") does hereby declare as follows:

This is the Eighth Amendment of that certain declaration (the "Original 1. Declaration") establishing a plan for condominium ownership of the Building and the Land on which same is erected comprising Trump Tower Condominium, made by The Trump-Equitable Fifth Avenue Company, as Sponsor, pursuant to the Condominium Act of the State of New York (Article 9 of the Real Property Law of the State of New York), which Declaration is dated February 24, 1983 and was recorded in the New York County Office of the Register of The City of New York ("City Register's Office") on March 23, 1983 as Plan No. 86 in Reel 674, page 848, as modified by: (i) the First Amendment to Declaration of Trump Tower Condominium (the "First Amendment"), dated as of October 11, 1994 and recorded in the City Register's Office as Plan No. 86A in Reel 2159, page 0340; (ii) the Second Amendment to Declaration of Trump Tower Condominium (the "Second Amendment"), dated as of April 4, 1997 and recorded in the City Register's Office as Plan 86B in Reel 2465, page 950; (iii) the Third Amendment to Declaration of Trump Tower Condominium (the "Third Amendment"), dated as of July 15, 1997 and recorded in the City Register's Office as Plan No. 86C in Reel 2523, page 0880; (iv) the Fourth Amendment to Declaration of Trump Tower Condominium (the "Fourth Amendment"), dated as of August 30, 2000 and recorded in the City Register's Office in Reel 3254, page 1211; (v) the Fifth Amendment to Declaration of Trump Tower Condominium (the "Fifth Amendment"), dated as of June 1, 2003 and recorded in the City Register's Office as Plan No. 86D in Reel 674, page 848, (vi) the Sixth Amendment to Declaration of Trump Tower Condominium (the "Sixth Amendment"), dated as of August 19, 2003, recorded in the City Register's Office as Plan No. 86E as CRFN 2003000369076, and (vii) the Seventh Amendment to Declaration of Trump Tower Condominium (the "Seventh Amendment"), dated as of January 12, 2004, submitted for recording in the City Register's Office as Plan No. 86F on April 19, 2004 (the Original Declaration, as amended by the First Amendment, the Second Amendment, the Third Amendment, the Fourth Amendment, the Fifth Amendment, the Sixth Amendment and the Seventh Amendment is hereinafter collectively referred to as the "Declaration").

2. Schedule B to the Declaration (said Schedule being recorded in the City Register's Office in Reel 674 at pages 957 through 969) sets forth certain data with respect to each Unit necessary for the proper identification thereof, to wit: Unit designation, tax lot number, direction in which each Unit faces, approximate square foot area, number of rooms, the portions of the Common Elements to which the Unit has immediate access, and the percentage of interest in the Common Elements appurtenant to each Unit. Unit 34E and Unit 34F have been combined with one another thereby forming combined Unit 34E/F. Accordingly, Schedule B to the Declaration is hereby amended to reflect such alterations as follows:

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(1) The reference to Unit 34E and all data set forth in Schedule B to the Declaration pertaining to Unit 34E, in the following chart, and the reference to Unit 34 F and all data set forth in Schedule B to the Declaration pertaining to Unit 34 F, in the following chart, are hereby deleted therefrom:

| Unit<br>Designation<br>(Apt. No.) | ,Tax<br>Lot<br>No. | Approx.<br>Area<br>in | Number<br>of<br>Rooms | Percentage<br>of Interest<br>in the Common |
|-----------------------------------|--------------------|-----------------------|-----------------------|--|
|                                   |                    | Sq. Ft.               |                       | Elements                                   |
| Unit 34E                          | 1038               | 1125.25               | 3.5                   | .1970970                                   |
| Unit 34 F                         | 1039               | 1070.18               | 3.5                   | .1874510                                   |

(2) The aforementioned data with respect to Unit 34E/F (as combined) is hereby added to Schedule B to the Declaration as follows:

| Unit<br>Designation | Tax<br>Lot | Approx.<br>Area           | Number<br>of | Percentage<br>of Interest |
|---------------------|------------|---------------------------|--------------|---------------------------|
| (Apt. No.)          | No.        | in                        | Rooms        | in the Common<br>Elements |
| Unit 34E/F          | 1038       | <u>Sq. Ft.</u><br>2195,43 | 3            | .3845480                  |

(3) No Units other than Units 34E and Unit 34F are affected by this Eighth Amendment to the Declaration of Trump Tower Condominium. Unit 34E/F is located in the portion of the Building facing north. The Common Elements to which Unit 34E/F has immediate access are the public corridors, fire stairs, trash chute and elevators.

3. That certain amendment to the Floor Plans of the Building, certified by Darioush Shater Toraby, Registered Architect, of the firm of Darius Toraby Architects, P.C., showing the floor plan for Unit 34E/F is intended to be filed in the City Register's Office as Condominium Plan No. 86G simultaneously with the recording of this Eighth Amendment to the Declaration of Trump Tower Condominium. The said amendment to the Floor Plans of the Building replaces and supersedes the original floor plans for Unit 34E and Unit 34F certified by Swanke Hayden Connell & Partners, Architects, on February 2, 1983 and filed in the City Register's Office on March 23, 1983 as part of Condominium Plan No. 86.

4. All of the terms used in this Eighth Amendment shall have the same meaning as ascribed thereto in the Declaration.

5. The Declaration as amended by this Eighth Amendment is incorporated herein by reference with the same force and effect as if set forth at length. All rights, obligations, easements, restrictions and other provisions set forth in the Declaration which by the terms thereof are appurtenant or binding upon Unit 34E and/or Unit 34F, and the owner(s) thereof, shall be deemed to be appurtenant or binding upon combined Unit 34E/F and the owner thereof. Except as hereby amended, all other terms and provisions of the Declaration are hereby ratified and confirmed and shall remain in full force and effect. Alterated Exhibit A Doc ID - 2004050300203003

6. The provisions of this Eighth Amendment to the Declaration shall be perpetual and be construed to be covenants running with the Land and every part thereof and interest therein, and all provisions hereof shall be binding upon and inure to the benefit of the owners of

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all or any part of the property, or interest therein, and his, its or their heirs, executors, administrators, legal representatives, successors and assigns.

7. If any provision of this Eighth Amendment to the Declaration, or any section, sentence, clause, phrase or word, or the application thereof shall in any circumstances be judicially held in conflict with the laws of the State of New York, then the said laws shall be deemed controlling and the validity, force and effect of the remainder of this Eighth Amendment to the Declaration and the application of any such provision, section, sentence, clause, phrase or word in other circumstances shall not be affected thereby.

IN WITNESS WHEREOF, the Residential Board has caused this Seventh Amendment to the Declaration to be executed as of this 12 day of January, 2004.

THE RESIDENTIAL BOARD OF TRUMP TOWER CONDOMINIUM

By: Mara Ment Name: Son JA TALES WIR Title: assistant secretary

STATE OF NEW YORK ) : COUNTY OF NEW YORK )

On the <u>12</u> day of <u>Longary</u> in the year <u>204</u> before me, the undersigned, personally appeared <u>Sector Tolesnik</u>, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individuals(s) acted, executed the instrument.

SS.:

(Signature and office of individual taking acknowledgment)

ROSHELLE A. NURSE NOTARY PUBLIC, State of New York No. 01NU0067235 Clustified in Kings County Commission Expires Dec. 3, 20\_5

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EXHIBIT A CONSENT

The undersigned, FREDERIC BOUIN, being the owner of the fee title to the residential units known as Unit 34E and Unit 34F in the premises known as Trump Tower Condominium and also known by the street numbers 721-725 Fifth Avenue, Borough of Manhattan, City, County and State of New York, said Units being designated and described as Unit No. 34E and Unit No. 34F in the declaration ("Original Declaration"), establishing a plan for condominium ownership of said premises under Article 9-B of the Real Property Law of the State of New York (the "New York Condominium Act") dated February 24, 1983, and recorded in the New York County office of the Register of The City of New York (the "City Register's Office") on March 23, 1983 in Reel 674, page 848, as modified by: (i) the First Amendment to Declaration of Trump Tower Condominium (the "First Amendment"), dated as of October 11, 1994 and recorded in the City Register's Office as Plan No. 86A in Reel 2159, page 0340; (ii) the Second Amendment to Declaration of Trump Tower Condominium (the "Second Amendment"), dated as of April 4, 1997 and recorded in the City Register's Office as Plan 86B in Reel, 2465, page 950: (iii) the Third Amendment to Declaration of Trump Tower Condominium (the "Third Amendment"), dated as of July 15, 1997 and recorded in the City Register's Office as Plan No. 86C in Reel, 2523, page 0880; (iv) the Fourth Amendment to Declaration of Trump Tower Condominium (the "Fourth Amendment"), dated as of August 30, 2000 and recorded in the City Register's Office in Reel 3254, page 1211; (v) the Fifth Amendment to Declaration of Trump Tower Condominium (the "Fifth Amendment"), dated as of June 1, 2003 and recorded in the City Register's Office as Plan No. 86D in Reel 674, page 848, (vi) the Sixth Amendment to Declaration of Trump Tower Condominium (the "Sixth Amendment"), dated as of August 19, 2003, and recorded in the City Register's Office as Plan 86E as CRFN 2003000369076, and (vii) the Seventh Amendment to Declaration of Trump Tower Condominium (the "Seventh Amendment"), dated as of January 12, 2004, and submitted for recording in the City Register's Office as Plan 86F on April 19, 2004 (the Original Declaration, as amended by the First Amendment, the Second Amendment, the Third Amendment, the Fourth Amendment, the Fifth Amendment, the Sixth Amendment and the Seventh Amendment is hereinafter collectively referred to as the "Declaration"), and also designated as Tax Lot Nos. 1038 and 1039 (respectively) in Block 1292 of Section 5 of the Borough of Manhattan on the Tax Map of the Real Property Assessment Department of The City of New York and on the Floor Plans of the Building, certified by Swanke Hayden Connell & Partners, Architects, on February 2, 1983, and filed in the City Register's Office on March 23, 1983 as Condominium Plan No. 86 (the said Unit being located in the Building erected on the Land described in Schedule A attached hereto and made a part hereof),

DOES HEREBY CONSENT to (a) that certain amendment dated as of January 12, 2004, entitled Eighth Amendment to the Declaration of Trump Tower Condominium which, among other things, (i) deletes the reference to Unit 34E and Unit 34F and all data set forth in Schedule B to the Declaration pertaining thereto and (ii) adds to Schedule B to the Declaration certain data with respect to combined Unit 34E/F in order to reflect certain alterations to the said Unit and (b) that certain amendment to the Floor Plans of the Building, certified by Darioush Shater Toraby, Registered Architect, of the firm of Darius Toraby Architects, P.C., intended to be filed in the City Register's Office as Condominium Plan No. 86G simultaneously with the recording of the said Eighth Amendment to the Declaration of Trump Tower Condominium, showing the floor plan for combined Unit 34E/F.

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In executing this CONSENT, the undersigned does hereby represent and certify that (a) all construction and other work required to complete the physical combination of Unit 34E and 34F into combined Unit 34E/F has been completed in accordance with applicable law; (b) all authorizations, permits, licenses and approvals required by and/or from any governmental and/or other authority in connection with the combination of said Units into combined Unit 34E/F have been issued; and (c) said combination of Units was effected in full compliance with all rules, regulations and requirements of the Trump Tower Condominium.

All capitalized terms used herein which are defined in the Declaration and are not separately defined herein shall have the meanings given to the said terms in the Declaration.

IN WITNESS WHEREOF, the undersigned owner of said Unit No. 34E/F has duly executed this Consent as of the  $10^{14}$  day of March, 2004.

FREDERIC BOUN

## STATE OF NEW YORK ) : SS.: COUNTY OF NEW YORK )

On the  $10^{\frac{1}{2}}$  day of March in the year 2004, before me, the undersigned, personally appeared FREDERIC BOUIN, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individuals(s) acted, executed the instrument.

(Signature and office of individual taking acknowledgment) ELIZABETH HERNANDEZ Notary Public, State of New York No. 01HE5047225 Qualified in Bronx County Commission Expires July 31, 20

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#### SCHEDULE A TO

## CONSENT BY RESIDENTIAL UNIT OWNER TO EIGHTH AMENDMENT TO THE DECLARATION OF TRUMP TOWER CONDOMINIUM

#### DESCRIPTION OF THE LAND

All that certain lot, piece or parcel of land, situate, lying and being in the Borough of Manhattan, City, County and State of New York, bounded and described as follows:

BEGINNING at the corner formed by the intersection of the Northerly side of East 56th Street with the Easterly side of Fifth Avenue; running

THENCE Easterly along the Northerly side of East 56th Street. 175 feet;

THENCE Northerly and parallel with the Easterly side of Fifth Avenue and part of the distance through a party wall, 100 feet 5 inches, to the center line of the block;

THENCE Westerly along the center line of the block, 50 feet;

THENCE Northerly and parallel with the Easterly side of Fifth Avenue, 15 feet;

THENCE Westerly and parallel with the Northerly side of East 56th Street, 125 feet to the Easterly side of Fifth Avenue; and

THENCE Southerly along the Easterly side of Fifth Avenue, 115 feet 5 inches, to the point or place of BEGINNING.

Said premises being known as 721-725 Fifth Avenue.

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## EIGHTH AMENDMENT TO

#### THE DECLARATION OF TRUMP TOWER CONDOMINIUM

Establishing a Plan for Condominium Ownership of the Trump Tower Condominium at the premises known as 721 Fifth Avenue. New York, New York 10022. Pursuant to Article 9-B of the Real Property Law of the State of New York.

#### SPONSOR:

The Trump-Equitable Fifth Avenue Company, having an office care of The Trump Organization, 725 Fifth Avenue, New York. New York

| Name of Condominium:                     | Trump Tower Condominium   |
|--|---|
| Address of Condominium:                  | 721 Fifth Avenue<br>New York, New York 10022  |
| Date of Declaration:                     | February 24, 1983   |
| Date of Eighth Amendment to Declaration: | As of January 12, 2004  |
| Prepared by:                             | Kramer Levin Naftalis & Frankel LLP<br>919 Third Avenue<br>New York, New York 10022 |

The land affected by the within instrument lies in Block 1292, f/k/a Lots 1038 and 1039, n/k/a Lot 1038 of the Tax Map of the County of New York, City and State of New York.

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| PARTY 1:<br>FREDERIC BOUIN<br>Mortgage<br>Mortgage Amount:<br>Taxable Mortgage Amount:<br>Exemption:<br>TAXES:<br>County (Basic):<br>City (Additional):<br>Spec (Additional):<br>TASF:<br>MTA:<br>NYCTA:                | \$<br>\$<br>\$<br>\$<br>\$<br>\$<br>\$<br>\$<br>\$<br>\$<br>\$<br>\$<br>\$<br>\$<br>\$ | PA<br>FEES A<br>0.00<br>0.00<br>0.00<br>0.00<br>0.00<br>0.00<br>0.00<br>0. | RTIES         ND TAXES         Recording Fee: \$         Affidavit Fee: \$         NYC Real Property *         NYS Real Estate Tra         RECO | 60.00<br>0.00<br>Transfer Tax FilingFee:<br>\$ 0.00<br>nsfer Tax:<br>\$ 0.00<br><b>RDED OR FILED IN THE OFF</b><br><b>THE CITY REGISTER OF THI</b><br><b>CITY OF NEW YORK</b><br>Recorded/Filed 05-04-2004 16  |

#### <u>CONSENT</u>

The undersigned, FREDERIC BOUIN, being the owner of the fee title to the residential units known as Unit 34E and Unit 34F in the premises known as Trump Tower Condominium and also known by the street numbers 721-725 Fifth Avenue, Borough of Manhattan, City, County and State of New York, said Units being designated and described as Unit No. 34E and Unit No. 34F in the declaration ("Original Declaration"), establishing a plan for condominium ownership of said premises under Article 9-B of the Real Property Law of the State of New York (the "New York Condominium Act") dated February 24, 1983, and recorded in the New York County office of the Register of The City of New York (the "City Register's Office") on March 23, 1983 in Reel 674, page 848, as modified by: (i) the First Amendment to Declaration of Trump Tower Condominium (the "First Amendment"), dated as of October 11, 1994 and recorded in the City Register's Office as Plan No. 86A in Reel 2159, page 0340; (ii) the Second Amendment to Declaration of Trump Tower Condominium (the "Second Amendment"), dated as of April 4, 1997 and recorded in the City Register's Office as Plan 86B in Reel, 2465, page 950; (iii) the Third Amendment to Declaration of Trump Tower Condominium (the "Third Amendment"), dated as of July 15, 1997 and recorded in the City Register's Office as Plan No. 86C in Reel, 2523, page 0880; (iv) the Fourth Amendment to Declaration of Trump Tower Condominium (the "Fourth Amendment"), dated as of August 30, 2000 and recorded in the City Register's Office in Reel 3254, page 1211; (v) the Fifth Amendment to Declaration of Trump Tower Condominium (the "Fifth Amendment"), dated as of June 1, 2003 and recorded in the City Register's Office as Plan No. 86D in Reel 674, page 848, (vi) the Sixth Amendment to Declaration of Trump Tower Condominium (the "Sixth Amendment"), dated as of August 19, 2003, and recorded in the City Register's Office as Plan 86E as CRFN 2003000369076, and (vii) the Seventh Amendment to Declaration of Trump Tower Condominium (the "Seventh Amendment"), dated as of January 12, 2004, and submitted for recording in the City Register's Office as Plan 86F on April 19, 2004 (the Original Declaration, as amended by the First Amendment, the Second Amendment, the Third Amendment, the Fourth Amendment, the Fifth Amendment, the Sixth Amendment and the Seventh Amendment is hereinafter collectively referred to as the "Declaration"), and also designated as Tax Lot Nos. 1038 and 1039 (respectively) in Block 1292 of Section 5 of the Borough of Manhattan on the Tax Map of the Real Property Assessment Department of The City of New York and on the Floor Plans of the Building, certified by Swanke Hayden Connell & Partners, Architects, on February 2, 1983, and filed in the City Register's Office on March 23, 1983 as Condominium Plan No. 86 (the said Unit being located in the Building erected on the Land described in Schedule A attached hereto and made a part hereof).

DOES HEREBY CONSENT to (a) that certain amendment dated as of January 12, 2004, entitled Eighth Amendment to the Declaration of Trump Tower Condominium which, among other things, (i) deletes the reference to Unit 34E and Unit 34F and all data set forth in Schedule B to the Declaration pertaining thereto and (ii) adds to Schedule B to the Declaration certain data with respect to combined Unit 34E/F in order to reflect certain alterations to the said Unit and (b) that certain amendment to the Floor Plans of the Building, certified by Darioush Shater Toraby, Registered Architect, of the firm of Darius Toraby Architects, P.C., intended to be filed in the City Register's Office as Condominium Plan No. 86G simultaneously with the recording of the said Eighth Amendment to the Declaration of Trump Tower Condominium, showing the floor plan for combined Unit 34E/F.

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In executing this CONSENT, the undersigned does hereby represent and certify that (a) all construction and other work required to complete the physical combination of Unit 34E and 34F into combined Unit 34E/F has been completed in accordance with applicable law; (b) all authorizations, permits, licenses and approvals required by and/or from any governmental and/or other authority in connection with the combination of said Units into combined Unit 34E/F have been issued; and (c) said combination of Units was effected in full compliance with all rules, regulations and requirements of the Trump Tower Condominium.

All capitalized terms used herein which are defined in the Declaration and are not separately defined herein shall have the meanings given to the said terms in the Declaration.

IN WITNESS WHEREOF, the undersigned owner of said Unit No. 34E/F has duly executed this Consent as of the  $|u^{1L}|$  day of March, 2004.

FREDERIC BO

#### STATE OF NEW YORK ) : SS.: COUNTY OF NEW YORK )

On the  $10^{\frac{1}{2}}$  day of  $March_{in the year 2004}$ , before me, the undersigned, personally appeared FREDERIC BOUIN, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individuals(s) acted, executed the instrument.

(Signature and office of individual taking acknowledgment) Notary Public, State of New York No. 01HE5047225 Qualified in Bronx County Commission Expires July 31, 20

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### SCHEDULE A TO

## CONSENT BY RESIDENTIAL UNIT OWNER TO EIGHTH AMENDMENT TO THE DECLARATION OF TRUMP TOWER CONDOMINIUM

#### DESCRIPTION OF THE LAND

All that certain lot, piece or parcel of land, situate, lying and being in the Borough of Manhattan, City, County and State of New York, bounded and described as follows:

BEGINNING at the corner formed by the intersection of the Northerly side of East 56th Street with the Easterly side of Fifth Avenue; running

THENCE Easterly along the Northerly side of East 56th Street, 175 feet;

THENCE Northerly and parallel with the Easterly side of Fifth Avenue and part of the distance through a party wall, 100 feet 5 inches, to the center line of the block;

THENCE Westerly along the center line of the block, 50 feet;

THENCE Northerly and parallel with the Easterly side of Fifth Avenue, 15 feet;

THENCE Westerly and parallel with the Northerly side of East 56th Street, 125 feet to the Easterly side of Fifth Avenue; and

THENCE Southerly along the Easterly side of Fifth Avenue, 115 feet 5 inches, to the point or place of BEGINNING.

Said premises being known as 721-725 Fifth Avenue.

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#### CONDOMINIUM PLAN NUMBER: 86G

## EIGHTH AMENDMENT TO

#### THE DECLARATION OF TRUMP TOWER CONDOMINIUM

Establishing a Plan for Condominium Ownership of the Trump Tower Condominium at the premises known as 721 Fifth Avenue, New York, New York 10022. Pursuant to Article 9-B of the Real Property Law of the State of New York.

#### SPONSOR:

The Trump-Equitable Fifth Avenue Company, having an office care of The Trump Organization, 725 Fifth Avenue, New York, New York

| Name of Condominium:                     | Trump Tower Condominium   |
|--|---|
| Address of Condominium:                  | 721 Fifth Avenue<br>New York, New York 10022  |
| Date of Declaration:                     | February 24, 1983   |
| Date of Eighth Amendment to Declaration: | As of January 12, 2004  |
| Prepared by:                             | Kramer Levin Naftalis & Frankel LLP<br>919 Third Avenue<br>New York, New York 10022 |

The land affected by the within instrument lies in Block 1292, f/k/a Lots 1038 and 1039, n/k/a Lot 1038 of the Tax Map of the County of New York, City and State of New York.

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| Borough         Block Lot         Unit         Address           MANHATTAN         1292         1108         Entire Lot         43 C         721 5 AVENUE           Property Type:         SINGLE RESIDENTIAL CONDO UNIT           Borough         Block Lot         Unit         Address           |  |               |   |   |                         |
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| PARTIES   |  |               |   |   |                         |
| PARTY ONE:<br>TRUMP TOWER CONDOMINIUM<br>725 FIFTH AVENUE<br>NEW YORK, NY 10022   |  |               |   |   |                         |
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| Mortgage  |  |               | Recording Fee: \$   | 50.00                                   |                         |
| Mortgage Amount:  | 5  | 0.00          | Affidavit Fee: \$   | 0.00                                    |                         |
| Taxable Mortgage Amount:  | \$   | 0.00          |   | ransfer Tax Filing Fee:                 |                         |
| Exemption:  |  |               |   | <u>s</u>                                | 0.00                    |
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| MANHATTAN Year: 1997 Reel: 2465 Page: 950  |       |
| MANHATTAN Year: 1997 Reel: 2523 Page: 880  |       |
| MANHATTAN Year: 2000 Reel: 3254 Page: 1211   |       |
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## CONDOMINIUM PLAN NUMBER: 86H

#### NINTH AMENDMENT TO

## THE DECLARATION OF TRUMP TOWER CONDOMINIUM

Establishing a Plan for Condominium Ownership of the Trump Tower Condominium at the premises known as 721 Fifth Avenue, New York, New York 10022. Pursuant to Article 9-B of the Real Property Law of the State of New York.

#### SPONSOR:

The Trump-Equitable Fifth Avenue Company, having an office care of The Trump Organization, 725 Fifth Avenue, New York, New York

| Name of Condominium:                       | Trump Tower Condominium   |
|--|---|
| Address of Condominium:                    | 721 Fifth Avenue<br>New York, New York 10022  |
| Date of Declaration:                       | February 24, 1983   |
| Date of Ninth Amendment<br>to Declaration: | As of March 31, 2005  |
| Prepared by:                               | Kramer Levin Naftalis & Frankel LLP<br>919 Third Avenue<br>New York, New York 10022 |

The land affected by the within instrument lies in Block 1292, f/k/a Lots 1108 and 1116, n/k/a Lot 1108 of the Tax Map of the County of New York, City and State of New York.

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#### NINTH AMENDMENT TO THE DECLARATION OF TRUMP TOWER CONDOMINIUM

#### (Pursuant to Article 9-B of the Real Property Law of the State of New York)

The Residential Board of Trump Tower Condominium, having an office in care of The Trump Corporation, 725 Fifth Avenue, New York, New York 10022 (the "Residential Board") does hereby declare as follows:

This is the Ninth Amendment of that certain declaration (the "Original 1. Declaration") establishing a plan for condominium ownership of the Building and the Land on which same is erected comprising Trump Tower Condominium, made by The Trump-Equitable Fifth Avenue Company, as Sponsor, pursuant to the Condominium Act of the State of New York (Article 9 of the Real Property Law of the State of New York), which Declaration is dated February 24, 1983 and was recorded in the New York County Office of the Register of The City of New York ("City Register's Office") on March 23, 1983 as Plan No. 86 in Reel 674, page 848, as modified by: (i) the First Amendment to Declaration of Trump Tower Condominium (the "First Amendment"), dated as of October 11, 1994 and recorded in the City Register's Office as Plan No. 86A in Reel 2159, page 0340; (ii) the Second Amendment to Declaration of Trump Tower Condominium (the "Second Amendment"), dated as of April 4, 1997 and recorded in the City Register's Office as Plan 86B in Reel 2465, page 950; (iii) the Third Amendment to Declaration of Trump Tower Condominium (the "Third Amendment"), dated as of July 15, 1997 and recorded in the City Register's Office as Plan No. 86C in Reel 2523, page 0880; (iv) the Fourth Amendment to Declaration of Trump Tower Condominium (the "Fourth Amendment"), dated as of August 30, 2000 and recorded in the City Register's Office in Reel 3254, page 1211; (v) the Fifth Amendment to Declaration of Trump Tower Condominium (the "Fifth Amendment"), dated as of June 1, 2003 and recorded in the City Register's Office as Plan No. 86D in Reel 674, page 848, (vi) the Sixth Amendment to Declaration of Trump Tower Condominium (the "Sixth Amendment"), dated as of August 19, 2003, recorded in the City Register's Office as Plan No. 86E and CRFN 2003000369076, (vii) the Seventh Amendment to Declaration of Trump Tower Condominium (the "Seventh Amendment"), dated as of January 12, 2004, recorded in the City Register's Office as Plan No. 86F and CRFN 2004000257231, and (viii) the Eighth Amendment to Declaration of Trump Tower Condominium (the "Eighth Amendment"), dated as of January 12, 2004, recorded in the City Register's Office as Plan No. 86G and CFRN 2004000277096 (the Original Declaration, as amended by the First Amendment, the Second Amendment, the Third Amendment, the Fourth Amendment, the Fifth Amendment, the Sixth Amendment, the Seventh Amendment and the Eighth Amendment is hereinafter collectively referred to as the "Declaration").

2. Schedule B to the Declaration (said Schedule being recorded in the City Register's Office in Reel 674 at pages 957 through 969) sets forth certain data with respect to each Unit necessary for the proper identification thereof, to wit: Unit designation, tax lot number, direction in which each Unit faces, approximate square foot area, number of rooms, the portions of the Common Elements to which the Unit has immediate access, and the percentage of interest in the Common Elements appurtenant to each Unit. Unit 43C and Unit 44C have been

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combined with one another thereby forming combined Unit 43/44C. Accordingly, Schedule B to the Declaration is hereby amended to reflect such alterations as follows:

(1) The reference to Unit 43C and all data set forth in Schedule B to the Declaration pertaining to Unit 43C, in the following chart, and the reference to Unit 44C and all data set forth in Schedule B to the Declaration pertaining to Unit 44C, in the following chart, are hereby deleted therefrom:

| Unit                                   | Tax  | Approx.  | Number  | Percentage    |
|--|------|----------|---|---------------|
| Designation                            | Lot  | Area     | of  | of Interest   |
| (Apt. No.)                             | No.  | in       | Rooms   | in the Common |
| ~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~ |      | <u> </u> | An a start with the start of the set of the start of the | Elements      |
| Unit 43C                               | 1108 | 1132.18  | 3.5   | .1984077      |
| Unit 44C                               | 1116 | 1132.18  | 3.5   | .1984077      |

(2) The aforementioned data with respect to Unit 43/44C (as combined) is hereby added to Schedule B to the Declaration as follows:

| Unit  | Tax                                     | Approx. | Number | Percentage    |
|---|---|---------|--------|---------------|
| Designation   | Lot                                     | Area    | of     | of Interest   |
| (Apt. No.)  | No.                                     | in      | Rooms  | in the Common |
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| Unit 43/44C   | 1108                                    | 2264.36 | 7.0    | .3968154      |

(3) No Units other than Units 43C and Unit 44C are affected by this Ninth Amendment to the Declaration of Trump Tower Condominium. Unit 43/44C is located in the portion of the Building facing north and east. The Common Elements to which Unit 43/44C has immediate access are the public corridors, fire stairs, and elevators.

3. That certain amendment to the Floor Plans of the Building, certified by Victor Famulari, Registered Architect, of the firm of Smith Palmer & Famulari, showing the floor plan for Unit 43/44C is intended to be filed in the City Register's Office as Condominium Plan No. 86H simultaneously with the recording of this Ninth Amendment to the Declaration of Trump Tower Condominium. The said amendment to the Floor Plans of the Building replaces and supersedes the original floor plans for Unit 43C and Unit 44C certified by Swanke Hayden Connell & Partners, Architects, on February 2, 1983 and filed in the City Register's Office on March 23, 1983 as part of Condominium Plan No. 86.

4. All of the terms used in this Ninth Amendment shall have the same meaning as ascribed thereto in the Declaration.

5. The Declaration as amended by this Ninth Amendment is incorporated herein by reference with the same force and effect as if set forth at length. All rights, obligations, easements, restrictions and other provisions set forth in the Declaration which by the terms thereof are appurtenant or binding upon Unit 43C and/or Unit 44C, and the owner(s) thereof, shall be deemed to be appurtenant or binding upon combined Unit 43/44C and the owner thereof. Except as hereby amended, all other terms and provisions of the Declaration are hereby ratified and confirmed and shall remain in full force and effect.

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The provisions of this Ninth Amendment to the Declaration shall be perpetual and 6. be construed to be covenants running with the Land and every part thereof and interest therein, and all provisions hereof shall be binding upon and inure to the benefit of the owners of all or any part of the property, or interest therein, and his, its or their heirs, executors, administrators, legal representatives, successors and assigns.

7. If any provision of this Ninth Amendment to the Declaration, or any section, sentence, clause, phrase or word, or the application thereof shall in any circumstances be judicially held in conflict with the laws of the State of New York, then the said laws shall be deemed controlling and the validity, force and effect of the remainder of this Ninth Amendment to the Declaration and the application of any such provision, section, sentence, clause, phrase or word in other circumstances shall not be affected thereby.

IN WITNESS WHEREOF, the Residential Board has caused this Seventh Amendment to the Declaration to be executed as of this 3i day of March, 2005.

> THE RESIDENTIAL BOARD OF TRUMP TOWER CONDOMINIUM

By: Name: Title:

STATE OF NEW YORK

SS.:

# COUNTY OF NEW YORK )

On the 3151 day of March in the year 2005 before me, the undersigned, personally appeared Sing TAUSNIK, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individuals(s) acted, executed the instrument.

into Explan

(Signature and office of individual taking acknowledgment) LINDA BOHDAN Notary Public, State of New York No. 41-4903546 Qualified in Queens County Commission Expires August 24, 20 A

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| Mortgage Amount:  | \$   | 0.00          | Affidavit Fee: \$ 0.00                                      |
| Taxable Mortgage Amount:  | \$   | 0.00          | NYC Real Property Transfer Tax Filing Fee:                  |
| Exemption:  |  |               | \$ 0.00   |
| TAXES: County (Basic):  | \$   | 0.00          | NYS Real Estate Transfer Tax:                               |
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| Spec (Additional):  | s  | 0.00          |   |
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|   |  |               | City Register Official Signature                            |

#### **CONSENT**

The undersigned, ASIA INVESTMENT FUND I, B.V., being the owner of the fee title to the residential units known as Unit 43C and Unit 44C in the premises known as Trump Tower Condominium and also known by the street numbers 721-725 Fifth Avenue, Borough of Manhattan, City, County and State of New York, said Units being designated and described as Unit No. 43C and Unit No. 44C in the declaration ("Original Declaration"), establishing a plan for condominium ownership of said premises under Article 9-B of the Real Property Law of the State of New York (the "New York Condominium Act") dated February 24, 1983, and recorded in the New York County office of the Register of The City of New York (the "City Register's Office") on March 23, 1983 in Reel 674, page 848, as modified by: (i) the First Amendment to Declaration of Trump Tower Condominium (the "First Amendment"), dated as of October 11, 1994 and recorded in the City Register's Office as Plan No. 86A in Reel 2159, page 0340; (ii) the Second Amendment to Declaration of Trump Tower Condominium (the "Second Amendment"), dated as of April 4, 1997 and recorded in the City Register's Office as Plan 86B in Reel, 2465, page 950; (iii) the Third Amendment to Declaration of Trump Tower Condominium (the "Third Amendment"), dated as of July 15, 1997 and recorded in the City Register's Office as Plan No. 86C in Reel, 2523, page 0880; (iv) the Fourth Amendment to Declaration of Trump Tower Condominium (the "Fourth Amendment"), dated as of August 30, 2000 and recorded in the City Register's Office in Reel 3254, page 1211; (v) the Fifth Amendment to Declaration of Trump Tower Condominium (the "Fifth Amendment"), dated as of June 1, 2003 and recorded in the City Register's Office as Plan No. 86D in Reel 674, page 848. (vi) the Sixth Amendment to Declaration of Trump Tower Condominium (the "Sixth Amendment"), dated as of August 19, 2003, and recorded in the City Register's Office as Plan 86E as CRFN 2003000369076, (vii) the Seventh Amendment to Declaration of Trump Tower Condominium (the "Seventh Amendment"), dated as of January 12, 2004, recorded in the City Register's Office as Plan No. 86F and CRFN 2004000257231, and (viii) the Eighth Amendment to Declaration of Trump Tower Condominium (the "Eighth Amendment"), dated as of January 12, 2004, recorded in the City Register's Office as Plan No. 86G and CFRN 2004000277096 (the Original Declaration, as amended by the First Amendment, the Second Amendment, the Third Amendment, the Fourth Amendment, the Fifth Amendment, the Sixth Amendment, the Seventh Amendment and the Eighth Amendment is hereinafter collectively referred to as the "Declaration"), and also designated as Tax Lot Nos. 1108 and 1116 (respectively) in Block 1292 of Section 5 of the Borough of Manhattan on the Tax Map of the Real Property Assessment Department of The City of New York and on the Floor Plans of the Building, certified by Swanke Hayden Connell & Partners, Architects, on February 2, 1983, and filed in the City Register's Office on March 23, 1983 as Condominium Plan No. 86 (the said Unit being located in the Building erected on the Land described in Schedule A attached hereto and made a part hereof).

DOES HEREBY CONSENT to (a) that certain amendment dated as of March 31, 2005, entitled Ninth Amendment to the Declaration of Trump Tower Condominium which, among other things, (i) deletes the reference to Unit 43C and Unit 44C and all data set forth in Schedule B to the Declaration pertaining thereto and (ii) adds to Schedule B to the Declaration certain data with respect to combined Unit 43/44C in order to reflect certain alterations to the said Unit and (b) that certain amendment to the Floor Plans of the Building, certified by Victor Famulari, Registered Architect, of the firm of Smith Palmer & Famulari, intended to be filed in the City

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Register's Office as Condominium Plan No. 86H simultaneously with the recording of the said Ninth Amendment to the Declaration of Trump Tower Condominium, showing the floor plan for combined Unit 43/44C.

In executing this CONSENT, the undersigned does hereby represent and certify that (a) all construction and other work required to complete the physical combination of Unit 43C and 44C into combined Unit 43/44C has been completed in accordance with applicable law; (b) all authorizations, permits, licenses and approvals required by and/or from any governmental and/or other authority in connection with the combination of said Units into combined Unit 43/44C have been issued; and (c) said combination of Units was effected in full compliance with all rules, regulations and requirements of the Trump Tower Condominium.

All capitalized terms used herein which are defined in the Declaration and are not separately defined herein shall have the meanings given to the said terms in the Declaration.

IN WITNESS WHEREOF, the undersigned owner of said Unit No. 43/44C has duly executed this Consent as of the <u>>3"</u> day of April, 2005.

MAY

ASIA INVESTMENT FUND I, B.V. BY: Name: Frank J /Cerza Title: Attorney-In-Fact Be Recorded 10 1.D. 200 5051000 465001 SS.: document

STATE OF NEW YORK ) : COUNTY OF NEW YORK )

On the <u>23</u> day of <u>May</u> in the year 2005, before me, the undersigned, personally appeared <u>Frank J. Cerza</u>, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(x) whose name(x) is (2xc) subscribed to the within instrument and acknowledged to me that he/she/they-executed the same in his/her/their capacity(ies), and that by his/her/their signature(x) on the instrument, the individual(x), or the person upon behalf of which the individuals(x) acted, executed the instrument.

(Signature and office of individual taking HOBERT SCHNAPP, ESQ. WOTAHYSIBELC, STATE OF NEW YORK NO. 02-SC 4961719 QUALIFIED IN WESTCHESTER COUNTY COMMISSION EXPIRES FEBRUARY 5, 2002

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#### SCHEDULE A TO

## CONSENT BY RESIDENTIAL UNIT OWNER TO NINTH AMENDMENT TO THE DECLARATION OF TRUMP TOWER CONDOMINIUM

#### DESCRIPTION OF THE LAND

All that certain lot, piece or parcel of land, situate, lying and being in the Borough of Manhattan, City, County and State of New York, bounded and described as follows:

BEGINNING at the corner formed by the intersection of the Northerly side of East 56th Street with the Easterly side of Fifth Avenue; running

THENCE Easterly along the Northerly side of East 56th Street, 175 feet;

THENCE Northerly and parallel with the Easterly side of Fifth Avenue and part of the distance through a party wall, 100 feet 5 inches, to the center line of the block;

THENCE Westerly along the center line of the block, 50 feet;

THENCE Northerly and parallel with the Easterly side of Fifth Avenue, 15 feet;

THENCE Westerly and parallel with the Northerly side of East 56th Street, 125 feet to the Easterly side of Fifth Avenue; and

THENCE Southerly along the Easterly side of Fifth Avenue, 115 feet 5 inches, to the point or place of BEGINNING.

Said premises being known as 721-725 Fifth Avenue.

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## CONDOMINIUM PLAN NUMBER: 86-I

## TENTH AMENDMENT TO

## THE DECLARATION OF TRUMP TOWER CONDOMINIUM

Establishing a Plan for Condominium Ownership of the Trump Tower Condominium at the premises known as 721 Fifth Avenue, New York, New York 10022. Pursuant to Article 9-B of the Real Property Law of the State of New York.

#### SPONSOR:

The Trump-Equitable Fifth Avenue Company, having an office care of The Trump Organization, 725 Fifth Avenue, New York, New York

| Name of Condominium:                    | Trump Tower Condominium   |
|---|---|
| Address of Condominium:                 | 721 Fifth Avenue<br>New York, New York 10022  |
| Date of Declaration:                    | February 24, 1983   |
| Date of Tenth Amendment to Declaration: | As of, 2005   |
| Prepared by:                            | Kramer Levin Naftalis & Frankel LLP<br>919 Third Avenue<br>New York, New York 10022 |

The land affected by the within instrument lies in Block 1292, f/k/a Lots 1066 and 1067, n/k/a Lot 1066 of the Tax Map of the County of New York, City and State of New York.

## TENTH AMENDMENT TO THE DECLARATION OF TRUMP TOWER CONDOMINIUM

## (Pursuant to Article 9-B of the Real Property Law of the State of New York)

The Residential Board of Trump Tower Condominium, having an office in care of The Trump Corporation, 725 Fifth Avenue, New York, New York 10022 (the "Residential Board") does hereby declare as follows:

This is the Tenth Amendment of that certain declaration (the "Original 1. Declaration") establishing a plan for condominium ownership of the Building and the Land on which same is erected comprising Trump Tower Condominium, made by The Trump-Equitable Fifth Avenue Company, as Sponsor, pursuant to the Condominium Act of the State of New York (Article 9 of the Real Property Law of the State of New York), which Declaration is dated February 24, 1983 and was recorded in the New York County Office of the Register of The City of New York ("City Register's Office") on March 23, 1983 as Plan No. 86 in Reel 674, page 848, as modified by: (i) the First Amendment to Declaration of Trump Tower Condominium (the "First Amendment"), dated as of October 11, 1994 and recorded in the City Register's Office as Plan No. 86A in Reel 2159, page 0340; (ii) the Second Amendment to Declaration of Trump Tower Condominium (the "Second Amendment"), dated as of April 4, 1997 and recorded in the City Register's Office as Plan 86B in Reel 2465, page 950; (iii) the Third Amendment to Declaration of Trump Tower Condominium (the "Third Amendment"), dated as of July 15, 1997 and recorded in the City Register's Office as Plan No. 86C in Reel 2523, page 0880; (iv) the Fourth Amendment to Declaration of Trump Tower Condominium (the "Fourth Amendment"), dated as of August 30, 2000 and recorded in the City Register's Office in Reel 3254, page 1211; (v) the Fifth Amendment to Declaration of Trump Tower Condominium (the "Fifth Amendment"), dated as of June 1, 2003 and recorded in the City Register's Office as Plan No. 86D in Reel 674, page 848, (vi) the Sixth Amendment to Declaration of Trump Tower Condominium (the "Sixth Amendment"), dated as of August 19, 2003, recorded in the City Register's Office as Plan No. 86E and CRFN 2003000369076, (vii) the Seventh Amendment to Declaration of Trump Tower Condominium (the "Seventh Amendment"), dated as of January 12, 2004, recorded in the City Register's Office as Plan No. 86F and CRFN 2004000257231, (viii) the Eighth Amendment to Declaration of Trump Tower Condominium (the "Eighth Amendment"), dated as of January 12, 2004, recorded in the City Register's Office as Plan No. 86G and CFRN 2004000277096, and (ix) the Ninth Amendment to Declaration of Trump Tower Condominium (the "Ninth Amendment"), dated as of March 31, 2005, recorded in the City Register's Office as Plan No. 86H and CFRN 2005000309119 (the Original Declaration, as amended by the First Amendment, the Second Amendment, the Third Amendment, the Fourth Amendment, the Fifth Amendment, the Sixth Amendment, the Seventh Amendment, Eighth Amendment and the Ninth Amendment is hereinafter collectively referred to as the "Declaration").

2. Schedule B to the Declaration (said Schedule being recorded in the City Register's Office in Reel 674 at pages 957 through 969) sets forth certain data with respect to each Unit necessary for the proper identification thereof, to wit: Unit designation, tax lot

number, direction in which each Unit faces, approximate square foot area, number of rooms, the portions of the Common Elements to which the Unit has immediate access, and the percentage of interest in the Common Elements appurtenant to each Unit. Unit 38A and Unit 38B have been combined with one another thereby forming combined Unit 38 A/B. Accordingly, Schedule B to the Declaration is hereby amended to reflect such alterations as follows:

(1) The reference to Unit 38A and all data set forth in Schedule B to the Declaration pertaining to Unit 38A, in the following chart, and the reference to Unit 38B and all data set forth in Schedule B to the Declaration pertaining to Unit 38B, in the following chart, are hereby deleted therefrom:

|             | Unit<br>Designation<br>(Apt. No.) | Tax<br>Lot<br>No. | Location (in Portion<br>of Building Facing<br>in the Direction Set<br>Forth Below | Approx.<br>Area<br>in<br>Sq. Ft. | Number<br>of<br>Rooms | Common Elements to<br>Which Unit Has<br>Immediate Access | Percentage<br>of Interest<br>in the Common<br>Elements |
|-------------|-----------------------------------|-------------------|---|----------------------------------|-----------------------|--|--|
| 1 Anna Anna | Unit 38A                          | 1066              | South & West  | 1465.34                          | 4.5                   | Public corridor, fire stairs, elevators                  | .2573111   |
|             | Unit 38B                          | 1067              | East & South  | 1587.12                          | 4.5                   | Public corridor, fire stairs, elevators                  | .2786196   |

(2) The aforementioned data with respect to Unit 38 A/B (as combined) is hereby added to Schedule B to the Declaration as follows:

| Unit<br>Designation<br>(Apt. No.) | Tax<br>Lot<br>No. | Location (in Portion<br>of Building Facing<br>in the Direction Set<br>Forth Below | Approx.<br>Area<br>in<br>Sq. Ft. | Number<br>of<br>Rooms | Common Elements to<br>Which Unit Has<br>Immediate Access | Percentage<br>of Interest<br>in the Common<br>Elements |
|-----------------------------------|-------------------|---|----------------------------------|-----------------------|--|--|
| Unit 38 A/B                       | 1066              | North, East &<br>South  | 3052.46                          | 5                     | Public corridor, fire stairs, elevator                   | .5359307   |

(3) No Units other than Units 38A and Unit 38B are affected by this Tenth Amendment to the Declaration of Trump Tower Condominium.

3. That certain amendment to the Floor Plans of the Building, certified by Victor Famulari, Registered Architect, of the firm of Smith Palmer & Famulari, showing the floor plan for Unit 38 A/B is intended to be filed in the City Register's Office as Condominium Plan No. 86I simultaneously with the recording of this Tenth Amendment to the Declaration of Trump Tower Condominium. The said amendment to the Floor Plans of the Building replaces and supersedes the original floor plans for Unit 38A and Unit 38B certified by Swanke Hayden Connell & Partners, Architects, on February 2, 1983 and filed in the City Register's Office on March 23, 1983 as part of Condominium Plan No. 86.

4. All of the terms used in this Tenth Amendment shall have the same meaning as ascribed thereto in the Declaration.

5. The Declaration as amended by this Tenth Amendment is incorporated herein by reference with the same force and effect as if set forth at length. All rights, obligations, easements, restrictions and other provisions set forth in the Declaration which by the terms

thereof are appurtenant or binding upon Unit 38A and/or Unit 38B, and the owner(s) thereof, shall be deemed to be appurtenant or binding upon combined Unit 38A/B and the owner thereof. Except as hereby amended, all other terms and provisions of the Declaration are hereby ratified and confirmed and shall remain in full force and effect.

6. The provisions of this Tenth Amendment to the Declaration shall be perpetual and be construed to be covenants running with the Land and every part thereof and interest therein, and all provisions hereof shall be binding upon and inure to the benefit of the owners of all or any part of the property, or interest therein, and his, its or their heirs, executors, administrators, legal representatives, successors and assigns.

7. If any provision of this Tenth Amendment to the Declaration, or any section, sentence, clause, phrase or word, or the application thereof shall in any circumstances be judicially held in conflict with the laws of the State of New York, then the said laws shall be deemed controlling and the validity, force and effect of the remainder of this Tenth Amendment to the Declaration and the application of any such provision, section, sentence, clause, phrase or word in other circumstances shall not be affected thereby.

IN WITNESS WHEREOF, the Residential Board has caused this Tenth Amendment to the Declaration to be executed as of this  $23^{10}$  day of  $N_0 \sqrt{...}$ , 2005.

THE RESIDENTIAL BOARD OF TRUMP TOWER CONDOMINIUM

By: Name: Title:

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

On the  $29^{\text{tb}}$  day of <u>Nov</u>. in the year 2005 before me, the undersigned, personally appeared <u>Sonja Takenik</u>, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individuals(s) acted, executed the instrument.

(Signature and office of individual taking acknowledgment)

DEBORAH FONTAINE Notary Public, State of New York No. 01FO6132773 Qualified in New York County 09 Commission Expires August 29, 20

## <u>CONSENT</u>

The undersigned, DAVID M. LEVY and JO ANN LEVY, being the owners of the fee title to the residential units known as Unit 38A and Unit 38B in the premises known as Trump Tower Condominium and also known by the street numbers 721-725 Fifth Avenue, Borough of Manhattan, City, County and State of New York, said Units being designated and described as Unit No. 38A and Unit No. 38B in the declaration ("Original Declaration"), establishing a plan for condominium ownership of said premises under Article 9-B of the Real Property Law of the State of New York (the "New York Condominium Act") dated February 24, 1983, and recorded in the New York County office of the Register of The City of New York (the "City Register's Office") on March 23, 1983 in Reel 674, page 848, as modified by: (i) the First Amendment to Declaration of Trump Tower Condominium (the "First Amendment"), dated as of October 11, 1994 and recorded in the City Register's Office as Plan No. 86A in Reel 2159, page 0340; (ii) the Second Amendment to Declaration of Trump Tower Condominium (the "Second Amendment"), dated as of April 4, 1997 and recorded in the City Register's Office as Plan 86B in Reel, 2465, page 950; (iii) the Third Amendment to Declaration of Trump Tower Condominium (the "Third Amendment"), dated as of July 15, 1997 and recorded in the City Register's Office as Plan No. 86C in Reel, 2523, page 0880; (iv) the Fourth Amendment to Declaration of Trump Tower Condominium (the "Fourth Amendment"), dated as of August 30, 2000 and recorded in the City Register's Office in Reel 3254, page 1211; (v) the Fifth Amendment to Declaration of Trump Tower Condominium (the "Fifth Amendment"), dated as of June 1, 2003 and recorded in the City Register's Office as Plan No. 86D in Reel 674, page 848, (vi) the Sixth Amendment to Declaration of Trump Tower Condominium (the "Sixth Amendment"), dated as of August 19, 2003, and recorded in the City Register's Office as Plan 86E as CRFN 2003000369076, (vii) the Seventh Amendment to Declaration of Trump Tower Condominium (the "Seventh Amendment"), dated as of January 12, 2004, recorded in the City Register's Office as Plan No. 86F and CRFN 2004000257231, (viii) the Eighth Amendment to Declaration of Trump Tower Condominium (the "Eighth Amendment"), dated as of January 12, 2004, recorded in the City Register's Office as Plan No. 86G and CFRN 2004000277096, and (ix) the Ninth Amendment to Declaration of Trump Tower Condominium (the "Ninth Amendment"), dated as of March 31, 2005, which has been submitted to the City Register's Office for recording, (the Original Declaration, as amended by the First Amendment, the Second Amendment, the Third Amendment, the Fourth Amendment, the Fifth Amendment, the Sixth Amendment, the Seventh Amendment, the Eighth Amendment and the Ninth Amendment is hereinafter collectively referred to as the "Declaration"), and also designated as Tax Lot Nos. 1066 and 1067 (respectively) in Block 1292 of Section 5 of the Borough of Manhattan on the Tax Map of the Real Property Assessment Department of The City of New York and on the Floor Plans of the Building, certified by Swanke Hayden Connell & Partners, Architects, on February 2, 1983, and filed in the City Register's Office on March 23, 1983 as Condominium Plan No. 86 (the said Unit being located in the Building erected on the Land described in Schedule A attached hereto and made a part hereof),

DOES HEREBY CONSENT to (a) that certain amendment dated as of

, entitled Tenth Amendment to the Declaration of Trump Tower Condominium which, among other things, (i) deletes the reference to Unit 38A and Unit 38B and all data set forth in Schedule B to the Declaration pertaining thereto and (ii) adds to Schedule B to the Declaration certain data with respect to combined Unit 38 A/B in order to reflect certain

alterations to the said Unit and (b) that certain amendment to the Floor Plans of the Building, certified by Victor Famulari, Registered Architect, of the firm of Smith Palmer & Famulari, intended to be filed in the City Register's Office as Condominium Plan No. 86I simultaneously with the recording of the said Tenth Amendment to the Declaration of Trump Tower Condominium, showing the floor plan for combined Unit 38 A/B.

In executing this CONSENT, the undersigned does hereby represent and certify that (a) all construction and other work required to complete the physical combination of Unit 38A and 38B into combined Unit 38 A/B has been completed in accordance with applicable law; (b) all authorizations, permits, licenses and approvals required by and/or from any governmental and/or other authority in connection with the combination of said Units into combined Unit 38 A/B have been issued; and (c) said combination of Units was effected in full compliance with all rules, regulations and requirements of the Trump Tower Condominium.

All capitalized terms used herein which are defined in the Declaration and are not separately defined herein shall have the meanings given to the said terms in the Declaration.

IN WITNESS WHEREOF, the undersigned owner of said Unit No. 38 A/B has duly executed this Consent as of the \_\_\_\_\_ day of \_\_\_\_\_, 2005.

DAVID M. LEVY

JO ANN LEVY

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

On the \_\_\_\_\_\_ day of \_\_\_\_\_\_ in the year 2005, before me, the undersigned, personally appeared DAVID M. LEVY and JO ANN LEVY, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individuals(s) acted, executed the instrument.

(Signature and office of individual taking acknowledgment)

## SCHEDULE A TO

# CONSENT BY RESIDENTIAL UNIT OWNER TO TENTH AMENDMENT TO THE DECLARATION OF TRUMP TOWER CONDOMINIUM

## DESCRIPTION OF THE LAND

All that certain lot, piece or parcel of land, situate, lying and being in the Borough of Manhattan, City, County and State of New York, bounded and described as follows:

BEGINNING at the corner formed by the intersection of the Northerly side of East 56th Street with the Easterly side of Fifth Avenue; running

THENCE Easterly along the Northerly side of East 56th Street, 175 feet;

THENCE Northerly and parallel with the Easterly side of Fifth Avenue and part of the distance through a party wall, 100 feet 5 inches, to the center line of the block;

THENCE Westerly along the center line of the block, 50 feet;

THENCE Northerly and parallel with the Easterly side of Fifth Avenue, 15 feet;

THENCE Westerly and parallel with the Northerly side of East 56th Street, 125 feet to the Easterly side of Fifth Avenue; and

THENCE Southerly along the Easterly side of Fifth Avenue, 115 feet 5 inches, to the point or place of BEGINNING.

Said premises being known as 721-725 Fifth Avenue.

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| RBARTON@KRAMERLEV  | VIN.COM  |  | RBARTON@KRAMERLEVIN.COM  |
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|  |  |  | ATY DATA   |
| Borough Block  |  |  | Address  |
| MANHATTAN 1292   |  |  | 221 5 AVENUE   |
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| Mortgage   | 1  |  | Recording Fee: \$ 68.00  |
| Mortgage Amount:   | \$   | 0.00   | Affidavit Fee: \$ 0.00   |
|  |  |  |  |
|  | \$   | 0.00   | NYC Real Property Transfer Tax Filing Fee:   |
| Exemption:   |  | 0.00   | \$ 0.00  |
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| Exemption:<br>TAXES: County (Basic):<br>City (Additional):<br>Spec (Additional):<br>TASF:                                      | \$<br>\$<br>\$<br>\$   | 0.00<br>0.00<br>0.00<br>0.00<br>0.00                                 | \$     0.00       NYS Real Estate Transfer Tax:     \$       \$     0.00       RECORDED OR FILED IN THE OFFICI       OF THE CITY REGISTER OF THE   |
| Exemption:<br>TAXES: County (Basic):<br>City (Additional):<br>Spec (Additional):<br>TASF:<br>MTA:                              | \$<br>\$<br>\$<br>\$<br>\$<br>\$   | 0.00<br>0.00<br>0.00<br>0.00<br>0.00<br>0.00                         | \$     0.00       NYS Real Estate Transfer Tax:     \$       \$     0.00       RECORDED OR FILED IN THE OFFICI       OF THE CITY REGISTER OF THE       CITY OF NEW YORK  |
| Exemption:<br>TAXES: County (Basic):<br>City (Additional):<br>Spec (Additional):<br>TASF:<br>MTA:<br>NYCTA:                    | \$<br>\$<br>\$<br>\$<br>\$<br>\$<br>\$<br>\$<br>\$<br>\$<br>\$   | 0.00<br>0.00<br>0.00<br>0.00<br>0.00<br>0.00<br>0.00                 | \$       0.00         NYS Real Estate Transfer Tax:       \$         \$       0.00         RECORDED OR FILED IN THE OFFICI         OF THE CITY REGISTER OF THE         CITY OF NEW YORK         Recorded/Filed       10-03-2006 15:57  |
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|   | ENDORSEMENT COVER PAGE (CON | FINUATION) PAGE 2 OF 7       |
| <b>Document ID: 2006092901470001</b><br>Document Type: AMENDED DECLARAT | Document Date: 08-15-2006   | Preparation Date: 09-29-2006 |
| bocument Type. AMENDED DECLARAT   |                             |                              |
| PROPERTY DATA   |                             |                              |
| Borough Block Lot   | Unit Address                |                              |
| MANHATTAN 1292 1226 Entire<br>Property Type: SINGLE RES                 |                             |                              |
| CROSS REFERENCE DATA  |                             |                              |
| CRFN: 2004000257231   |                             |                              |
| CRFN: 2004000277096   |                             |                              |
| CRFN: 2005000309119<br>CRFN: 2006000215713                              |                             |                              |
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## CONDOMINIUM PLAN NUMBER: 86-J

## ELEVENTH AMENDMENT TO

## THE DECLARATION OF TRUMP TOWER CONDOMINIUM

Establishing a Plan for Condominium Ownership of the Trump Tower Condominium at the premises known as 721 Fifth Avenue, New York, New York 10022. Pursuant to Article 9-B of the Real Property Law of the State of New York.

#### SPONSOR:

The Trump-Equitable Fifth Avenue Company, having an office care of The Trump Organization, 725 Fifth Avenue, New York, New York

| Name of Condominium:                       | Trump Tower Condominium  |
|--|--|
| Address of Condominium:                    | 721 Fifth Avenue<br>New York, New York 10022   |
| Date of Declaration:                       | February 24, 1983  |
| Date of Eleventh Amendment to Declaration: | As of August 15, 2006  |
| Prepared by:                               | Kramer Levin Naftalis & Frankel LLP<br>1177 Avenue of the Americas<br>New York, New York 10022 |

The land affected by the within instrument lies in Block 1292, f/k/a Lots 1222, 1223 and 1226, n/k/a Lot 1222 of the Tax Map of the County of New York, City and State of New York.

KL3:2519504,1

## ELEVENTH AMENDMENT TO THE DECLARATION OF TRUMP TOWER CONDOMINIUM

## (Pursuant to Article 9-B of the Real Property Law of the State of New York)

The Residential Board of Trump Tower Condominium, having an office in care of The Trump Corporation, 725 Fifth Avenue, New York, New York 10022 (the "Residential Board") does hereby declare as follows:

This is the Eleventh Amendment of that certain declaration (the "Original 1. Declaration") establishing a plan for condominium ownership of the Building and the Land on which same is erected comprising Trump Tower Condominium, made by The Trump-Equitable Fifth Avenue Company, as Sponsor, pursuant to the Condominium Act of the State of New York (Article 9 of the Real Property Law of the State of New York), which Declaration is dated February 24, 1983 and was recorded in the New York County Office of the Register of The City of New York ("City Register's Office") on March 23, 1983 as Plan No. 86 in Reel 674, page 848, as modified by: (i) the First Amendment to Declaration of Trump Tower Condominium (the "First Amendment"), dated as of October 11, 1994 and recorded in the City Register's Office as Plan No. 86A in Reel 2159, page 0340; (ii) the Second Amendment to Declaration of Trump Tower Condominium (the "Second Amendment"), dated as of April 4, 1997 and recorded in the City Register's Office as Plan 86B in Reel 2465, page 950; (iii) the Third Amendment to Declaration of Trump Tower Condominium (the "Third Amendment"), dated as of July 15, 1997 and recorded in the City Register's Office as Plan No. 86C in Reel 2523, page 0880; (iv) the Fourth Amendment to Declaration of Trump Tower Condominium (the "Fourth Amendment"), dated as of August 30, 2000 and recorded in the City Register's Office in Reel 3254, page 1211; (v) the Fifth Amendment to Declaration of Trump Tower Condominium (the "Fifth Amendment"), dated as of June 1, 2003 and recorded in the City Register's Office as Plan No. 86D in Reel 674, page 848, (vi) the Sixth Amendment to Declaration of Trump Tower Condominium (the "Sixth Amendment"), dated as of August 19, 2003, recorded in the City Register's Office as Plan No. 86E and CRFN 2003000369076, (vii) the Seventh Amendment to Declaration of Trump Tower Condominium (the "Seventh Amendment"), dated as of January 12, 2004, recorded in the City Register's Office as Plan No. 86F and CRFN 2004000257231, (viii) the Eighth Amendment to Declaration of Trump Tower Condominium (the "Eighth Amendment"), dated as of January 12, 2004, recorded in the City Register's Office as Plan No. 86G and CFRN 2004000277096, (ix) the Ninth Amendment to Declaration of Trump Tower Condominium (the "Ninth Amendment"), dated as of March 31, 2005, recorded in the City Register's Office as Plan No. 86H and CFRN 2005000309119, and (x) the Tenth Amendment to Declaration of Trump Tower Condominium (the "Tenth Amendment"), dated as of November 29, 2005, recorded in the City Register's Office as Plan No. 86I and CFRN 2006000215713, (the Original Declaration, as amended by the First Amendment, Second Amendment, Third Amendment, Fourth Amendment, Fifth Amendment, Sixth Amendment, Seventh Amendment, Eighth Amendment, Ninth Amendment and Tenth Amendment is hereinafter collectively referred to as the "Declaration").

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2. Schedule B to the Declaration (said Schedule being recorded in the City Register's Office in Reel 674 at pages 957 through 969) sets forth certain data with respect to each Unit necessary for the proper identification thereof, to wit: Unit designation, tax lot number, direction in which each Unit faces, approximate square foot area, number of rooms, the portions of the Common Elements to which the Unit has immediate access, and the percentage of interest in the Common Elements appurtenant to each Unit. Units 59C, 59D and Unit 59M have been combined with one another thereby forming combined Unit 59 CDM. Accordingly, Schedule B to the Declaration is hereby amended to reflect such alterations as follows:

(1) The reference to Unit 59C and all data set forth in Schedule B to the Declaration pertaining to Unit 59C, in the following chart, the reference to Unit 59D and all data set forth in Schedule B to the Declaration pertaining to Unit 59D, in the following chart, and the reference to Unit 59M and all data set forth in Schedule B to the Declaration pertaining to the Declaration pertaining to Unit 59M, in the following chart, are hereby deleted therefrom:

| Unit<br>Designation<br>(Apt. No.) | Tax<br>Lot<br>No. | Location (in Portion<br>of Building Facing<br>in the Direction Set<br>Forth Below | Approx.<br>Area<br>in<br>Sq. Ft. | Number<br>of<br>Rooms | Common Elements to<br>Which Unit Has<br>Immediate Access | Percentage<br>of Interest<br>in the Common<br>Elements |
|-----------------------------------|-------------------|---|----------------------------------|-----------------------|--|--|
| Unit 59C                          | 1222              | North & East  | 1138.08                          | 3.5                   | Public corridor, fire stairs, elevators                  | .1984077   |
| Unit 59D                          | 1223              | North & East  | 1092.00                          | 3.5                   | Public corridor, fire stairs, elevators                  | .1912729   |
| Unit 59M                          | 1226              | North   | 1201.37                          | 3.5                   | Public corridor, fire<br>stairs, elevators               | .2104300   |

(2) The aforementioned data with respect to Unit 59 CDM (as combined) is hereby added to Schedule B to the Declaration as follows:

| Unit<br>Designation<br>(Apt. No.) | Tax<br>Lot<br>No. | Location (in Portion<br>of Building Facing<br>in the Direction Set<br>Forth Below | Approx.<br>Area<br>in<br>Sq. Ft. | Number<br>of<br>Rooms                | Common Elements to<br>Which Unit Has<br>Immediate Access | Percentage<br>of Interest<br>in the Common<br>Elements |
|-----------------------------------|-------------------|---|----------------------------------|--------------------------------------|--|--|
| Unit 59 CDM                       | 1222              | North & East  | 3431.45                          | 8/<br>3- "1/2"<br>rooms <sup>1</sup> | Public corridor, fire stairs, elevator                   | .6001106   |

(3) No Units other than Unit 59C, 59D and 59M are affected by this Eleventh Amendment to the Declaration of Trump Tower Condominium.

KL3:2519504.1

 $<sup>^{1}</sup>$  The combined unit will have eight (8) full rooms and three (3) half rooms, per the definition of rooms in the multiple dwelling law.

3. That certain amendment to the Floor Plans of the Building, certified by Edward Shalat, Registered Architect, of the firm of Shalat Architects P.C., showing the floor plan for Unit 59 CDM is intended to be filed in the City Register's Office as Condominium Plan No. 86J simultaneously with the recording of this Eleventh Amendment to the Declaration of Trump Tower Condominium. The said amendment to the Floor Plans of the Building replaces and supersedes the original floor plans for Unit 59C, Unit 59D and Unit 59M certified by Swanke Hayden Connell & Partners, Architects, on February 2, 1983 and filed in the City Register's Office on March 23, 1983 as part of Condominium Plan No. 86.

4. All of the terms used in this Eleventh Amendment shall have the same meaning as ascribed thereto in the Declaration.

5. The Declaration as amended by this Eleventh Amendment is incorporated herein by reference with the same force and effect as if set forth at length. All rights, obligations, easements, restrictions and other provisions set forth in the Declaration which by the terms thereof are appurtenant or binding upon Unit 59C, Unit 59D and/or Unit 59M, and the owner(s) thereof, shall be deemed to be appurtenant or binding upon combined Unit 59 CDM and the owner thereof. Except as hereby amended, all other terms and provisions of the Declaration are hereby ratified and confirmed and shall remain in full force and effect.

6. The provisions of this Eleventh Amendment to the Declaration shall be perpetual and be construed to be covenants running with the Land and every part thereof and interest therein, and all provisions hereof shall be binding upon and inure to the benefit of the owners of all or any part of the property, or interest therein, and his, its or their heirs, executors, administrators, legal representatives, successors and assigns.

7. If any provision of this Eleventh Amendment to the Declaration, or any section, sentence, clause, phrase or word, or the application thereof shall in any circumstances be judicially held in conflict with the laws of the State of New York, then the said laws shall be deemed controlling and the validity, force and effect of the remainder of this Eleventh Amendment to the Declaration and the application of any such provision, section, sentence, clause, phrase or word in other circumstances shall not be affected thereby.

IN WITNESS WHEREOF, the Residential Board has caused this Eleventh Amendment to the Declaration to be executed as of this 15 day of August, 2006.

THE RESIDENTIAL BOARD OF TRUMP TOWER CONDOMINIUM

By:

Name: SONTA TALESNIE Title: Ass'T SECRETARY

KL3:2519504.1

## STATE OF NEW YORK ) : SS.: COUNTY OF NEW YORK )

On the  $\sqrt{\frac{1}{2}}$  day of August in the year 2006, before me, the undersigned, personally appeared  $\frac{500}{30}$   $\frac{1}{2}$   $\frac$ 

La Boldan

(Signature and office of individual taking acknowledgment)

LINDA BOHDAN Notary Public, State of New York No. 01BO4903546 Qualified in Queens County Commission Expires Aug. 24, 20 0 9

K1.3:2519504.1

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| TRUMP TOWER ORGANIZATION  |   | JMV ASSOCIATES, I   |                                    |
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| MANHATTAN 1292 1103 Pa<br>Property Type: MULTIP<br>Document ID: 2006102701342001<br>PARTY ONE:<br>TRUMP TOWER ORGANIZATION<br>721 5TH AVENUE<br>NEW YORK, NY 10022<br>Mortgage<br>Mortgage Amount: \$<br>Taxable Mortgage Amount: \$<br>Exemption:<br>TAXES: County (Basic): \$   | rtial Lot 42 F<br>LE RESIDENTIAL<br>CROSS REF<br>PA<br>FEES A<br>0.00<br>0.00<br>0.00                                       | 721 5TH AVENUE<br>CONDO UNT<br>FERENCE DATA<br>ARTIES<br>ND TAXES<br>Filing Fee:<br>NYC Real Property Tra | ansfer Tax:<br>\$ 0.00<br>fer Tax: |
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CONDOMINIUM PLAN NUMBER: 86-14

## TWELFTH AMENDMENT TO

## THE DECLARATION OF TRUMP TOWER CONDOMINIUM

Establishing a Plan for Condominium Ownership of the Trump Tower Condominium at the premises known as 721 Fifth Avenue, New York, New York 10022. Pursuant to Article 9-B of the Real Property Law of the State of New York.

#### SPONSOR:

The Trump-Equitable Fifth Avenue Company, having an office care of The Trump Organization, 725 Fifth Avenue, New York, New York

| Name of Condominium:                         | Trump Tower Condominium  |
|--|--|
| Address of Condominium:                      | 721 Fifth Avenue<br>New York, New York 10022   |
| Date of Declaration:                         | February 24, 1983  |
| Date of Twelfth Amendment<br>to Declaration: | As of August 15, 2006  |
| Prepared by:                                 | Kramer Levin Naftalis & Frankel LLP<br>1177 Avenue of the Americas<br>New York, New York 10022 |

The land affected by the within instrument lies in Block 1292, f/k/a Lots 1102 and 1103, n/k/a Lot 1102 of the Tax Map of the County of New York, City and State of New York.

## TWELFTH AMENDMENT TO THE DECLARATION OF TRUMP TOWER CONDOMINIUM

## (Pursuant to Article 9-B of the Real Property Law of the State of New York)

The Residential Board of Trump Tower Condominium, having an office in care of The Trump Corporation, 725 Fifth Avenue, New York, New York 10022 (the "Residential Board") does hereby declare as follows:

1. This is the Twelfth Amendment of that certain declaration (the "Original Declaration") establishing a plan for condominium ownership of the Building and the Land on which same is erected comprising Trump Tower Condominium, made by The Trump-Equitable Fifth Avenue Company, as Sponsor, pursuant to the Condominium Act of the State of New York (Article 9 of the Real Property Law of the State of New York), which Declaration is dated February 24, 1983 and was recorded in the New York County Office of the Register of The City of New York ("City Register's Office") on March 23, 1983 as Plan No. 86 in Reel 674, page 848, as modified by: (i) the First Amendment to Declaration of Trump Tower Condominium (the "First Amendment"), dated as of October 11, 1994 and recorded in the City Register's Office as Plan No. 86A in Reel 2159, page 0340; (ii) the Second Amendment to Declaration of Trump Tower Condominium (the "Second Amendment"), dated as of April 4, 1997 and recorded in the City Register's Office as Plan 86B in Reel 2465, page 950; (iii) the Third Amendment to Declaration of Trump Tower Condominium (the "Third Amendment"), dated as of July 15, 1997 and recorded in the City Register's Office as Plan No. 86C in Reel 2523, page 0880; (iv) the Fourth Amendment to Declaration of Trump Tower Condominium (the "Fourth Amendment"), dated as of August 30, 2000 and recorded in the City Register's Office in Reel 3254, page 1211; (v) the Fifth Amendment to Declaration of Trump Tower Condominium (the "Fifth Amendment"), dated as of June 1, 2003 and recorded in the City Register's Office as Plan No. 86D in Reel 674, page 848, (vi) the Sixth Amendment to Declaration of Trump Tower Condominium (the "Sixth Amendment"), dated as of August 19, 2003, recorded in the City Register's Office as Plan No. 86E and CRFN 2003000369076, (vii) the Seventh Amendment to Declaration of Trump Tower Condominium (the "Seventh Amendment"), dated as of January 12, 2004, recorded in the City Register's Office as Plan No. 86F and CRFN 2004000257231. (viii) the Eighth Amendment to Declaration of Trump Tower Condominium (the "Eighth Amendment"), dated as of January 12, 2004, recorded in the City Register's Office as Plan No. 86G and CFRN 2004000277096, (ix) the Ninth Amendment to Declaration of Trump Tower Condominium (the "Ninth Amendment"), dated as of March 31, 2005, recorded in the City Register's Office as Plan No. 86H and CFRN 2005000309119, (x) the Tenth Amendment to Declaration of Trump Tower Condominium (the "Tenth Amendment"), dated as of November 29, 2005, recorded in the City Register's Office as Plan No. 86I and CFRN 2006000215713, and (xi) the Eleventh Amendment to Declaration of Trump Tower Condominium (the "Eleventh Amendment"), dated as of August 15, 2006, recorded in the City Register's Office as Plan No. 86J and CFRN 2006 (the Original Declaration, as amended by the First Amendment, Second Amendment, Third Amendment, Fourth Amendment, Fifth Amendment, Sixth Amendment, Seventh Amendment, Eighth Amendment, Ninth Amendment, Tenth

Amendment and Eleventh Amendment is hereinafter collectively referred to as the "Declaration").

2. Schedule B to the Declaration (said Schedule being recorded in the City Register's Office in Reel 674 at pages 957 through 969) sets forth certain data with respect to each Unit necessary for the proper identification thereof, to wit: Unit designation, tax lot number, direction in which each Unit faces, approximate square foot area, number of rooms, the portions of the Common Elements to which the Unit has immediate access, and the percentage of interest in the Common Elements appurtenant to each Unit. Units 42E and Unit 42F have been combined with one another thereby forming combined Unit 42EF. Accordingly, Schedule B to the Declaration is hereby amended to reflect such alterations as follows:

(1) The reference to Unit 42E and all data set forth in Schedule B to the Declaration pertaining to Unit 42E, in the following chart, and the reference to Unit 42F and all data set forth in Schedule B to the Declaration pertaining to Unit 42F, in the following chart, are hereby deleted therefrom:

| Unit<br>Designation<br>(Apt. No.) | Tax<br>Lot<br>No. | Location (in Portion<br>of Building Facing<br>in the Direction Set<br>Forth Below | Approx.<br>Area<br>in<br>Sq. Ft. | Number<br>of<br>Rooms | Common Elements to<br>Which Unit Has<br>Immediate Access | Percentage<br>of Interest<br>in the Common<br>Elements |
|-----------------------------------|-------------------|---|----------------------------------|-----------------------|--|--|
| Unit 42E                          | 1102              | North   | 1125.25                          | 3.5                   | Public corridor, fire stairs, elevators                  | .1970970   |
| Unit 42F                          | 1103              | North   | 1070.18                          | 3.5                   | Public corridor, fire stairs, elevators                  | .1874510   |

(2) The aforementioned data with respect to Unit 42 EF (as combined) is hereby added to Schedule B to the Declaration as follows:

| Unit<br>Designation<br>(Apt. No.) | Tax<br>Lot<br>No. | Location (in<br>Portion of Building<br>Facing in the<br>Direction Set Forth<br>Below | Approx.<br>Area<br>in<br>Sq. Ft. | Number<br>of<br>Rooms        | Common Elements to<br>Which Unit Has<br>Immediate Access | Percentage<br>of Interest<br>in the Common<br>Elements |
|-----------------------------------|-------------------|--|----------------------------------|------------------------------|--|--|
| Unit 42 EF                        | 1102              | North  | 2195.43                          | 2 bedrooms/<br>3.5 bathrooms | Public corridor, fire stairs, elevator                   | .3845480   |

(3) No Units other than Unit 42E and 42F are affected by this Twelfth Amendment to the Declaration of Trump Tower Condominium.

3. That certain amendment to the Floor Plans of the Building, certified by Victor Famulari, Registered Architect, of the firm of Smith Palmer & Famulari, showing the floor plan for Unit 42 EF is intended to be filed in the City Register's Office as Condominium Plan No. 86K simultaneously with the recording of this Twelfth Amendment to the Declaration of Trump

Tower Condominium. The said amendment to the Floor Plans of the Building replaces and supersedes the original floor plans for Unit 42E and Unit 42F certified by Swanke Hayden Connell & Partners, Architects, on February 2, 1983 and filed in the City Register's Office on March 23, 1983 as part of Condominium Plan No. 86.

All of the terms used in this Twelfth Amendment shall have the same meaning as 4 ascribed thereto in the Declaration.

The Declaration as amended by this Twelfth Amendment is incorporated herein 5. by reference with the same force and effect as if set forth at length. All rights, obligations, easements, restrictions and other provisions set forth in the Declaration which by the terms thereof are appurtenant or binding upon Unit 42E and/or Unit 42F, and the owner(s) thereof, shall be deemed to be appurtenant or binding upon combined Unit 42 EF and the owner thereof. Except as hereby amended, all other terms and provisions of the Declaration are hereby ratified and confirmed and shall remain in full force and effect.

6. The provisions of this Twelfth Amendment to the Declaration shall be perpetual and be construed to be covenants running with the Land and every part thereof and interest therein, and all provisions hereof shall be binding upon and inure to the benefit of the owners of all or any part of the property, or interest therein, and his, its or their heirs, executors, administrators, legal representatives, successors and assigns.

7. If any provision of this Twelfth Amendment to the Declaration, or any section, sentence, clause, phrase or word, or the application thereof shall in any circumstances be judicially held in conflict with the laws of the State of New York, then the said laws shall be deemed controlling and the validity, force and effect of the remainder of this Twelfth Amendment to the Declaration and the application of any such provision, section, sentence, clause, phrase or word in other circumstances shall not be affected thereby.

IN WITNESS WHEREOF, the Residential Board has caused this Twelfth Amendment to the Declaration to be executed as of this 15 day of August, 2006.

> THE RESIDENTIAL BOARD OF TRUMP TOWER CONDOMINIUM

By: FACESWAK Name: SONGA

Title: ASST SECRETARY

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

On the <u>15</u> day of August in the year 2006 before me, the undersigned, personally appeared <u>Sonja</u> Takes <u>nic</u>, personally known to me or proved to me on the

#### **CONSENT**

The undersigned, Chikako, Inc., a New York corporation, being the owner of the fee title to the residential units known as Unit 42E and Unit 42F in the premises known as Trump Tower Condominium and also known by the street numbers 721-725 Fifth Avenue. Borough of Manhattan, City, County and State of New York, said Units being designated and described as Unit No. 42E and Unit No. 42F in the declaration ("Original Declaration"), establishing a plan for condominium ownership of said premises under Article 9-B of the Real Property Law of the State of New York (the "New York Condominium Act") dated February 24, 1983, and recorded in the New York County office of the Register of The City of New York (the "City Register's Office") on March 23, 1983 in Reel 674, page 848, as modified by: (i) the First Amendment to Declaration of Trump Tower Condominium (the "First Amendment"), dated as of October 11, 1994 and recorded in the City Register's Office as Plan No. 86A in Reel 2159, page 0340; (ii) the Second Amendment to Declaration of Trump Tower Condominium (the "Second Amendment"), dated as of April 4, 1997 and recorded in the City Register's Office as Plan 86B in Reel, 2465, page 950; (iii) the Third Amendment to Declaration of Trump Tower Condominium (the "Third Amendment"), dated as of July 15, 1997 and recorded in the City Register's Office as Plan No. 86C in Reel, 2523, page 0880; (iv) the Fourth Amendment to Declaration of Trump Tower Condominium (the "Fourth Amendment"), dated as of August 30, 2000 and recorded in the City Register's Office in Reel 3254, page 1211; (v) the Fifth Amendment to Declaration of Trump Tower Condominium (the "Fifth Amendment"), dated as of June 1, 2003 and recorded in the City Register's Office as Plan No. 86D in Reel 674, page 848, (vi) the Sixth Amendment to Declaration of Trump Tower Condominium (the "Sixth Amendment"), dated as of August 19, 2003, and recorded in the City Register's Office as Plan 86E as CRFN 2003000369076, (vii) the Seventh Amendment to Declaration of Trump Tower Condominium (the "Seventh Amendment"), dated as of January 12, 2004, recorded in the City Register's Office as Plan No. 86F and CRFN 2004000257231, (viii) the Eighth Amendment to Declaration of Trump Tower Condominium (the "Eighth Amendment"), dated as of January 12, 2004, recorded in the City Register's Office as Plan No. 86G and CFRN 2004000277096, (ix) the Ninth Amendment to Declaration of Trump Tower Condominium (the "Ninth Amendment"), dated as of March 31, 2005, and recorded in the City Register's Office as Plan 86H and CRFN 2005000309119, (x) the Tenth Amendment to Declaration of Trump Tower Condominium (the "Tenth Amendment"), dated as of November 29, 2005, recorded in the City Register's Office as Plan No. 8I and CFRN 2006000215713, and (xi) the Eleventh Amendment to Declaration of Trump Tower Condominium (the "Tenth Amendment"), dated as of August 15, 2006 recorded in the City Register's Office as Plan No. 8J and CFRN 2006 (the Original Declaration, as amended by the First Amendment, Second Amendment, Third Amendment, Fourth Amendment, Fifth Amendment, Sixth Amendment, Seventh Amendment, Eighth Amendment, Ninth Amendment, Tenth Amendment and Eleventh Amendment is hereinafter collectively referred to as the "Declaration"), and also designated as Tax Lot Nos. 1102 and 1103 (respectively) in Block 1292 of Section 5 of the Borough of Manhattan on the Tax Map of the Real Property Assessment Department of The City of New York and on the Floor Plans of the Building, certified by Swanke Hayden Connell & Partners, Architects, on February 2, 1983, and filed in the City Register's Office on March 23, 1983 as Condominium Plan No. 86 (the said Unit being located in the Building erected on the Land described in Schedule A attached hereto and made a part hereof),

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DOES HEREBY CONSENT to (a) that certain amendment dated as of August 15, 2006, entitled Twelfth Amendment to the Declaration of Trump Tower Condominium which, among other things, (i) deletes the reference to Unit 42E and Unit 42F and all data set forth in Schedule B to the Declaration pertaining thereto and (ii) adds to Schedule B to the Declaration certain data with respect to combined Unit 42 EF in order to reflect certain alterations to the said Unit and (b) that certain amendment to the Floor Plans of the Building, certified by Victor Famulari, Registered Architect, of the firm of Smith Palmer & Famulari., intended to be filed in the City Register's Office as Condominium Plan No. 86-K simultaneously with the recording of the said Twelfth Amendment to the Declaration of Trump Tower Condominium, showing the floor plan for combined Unit 42 EF.

In executing this CONSENT, the undersigned does hereby represent and certify that (a) all construction and other work required to complete the physical combination of Units 42E and 42F into combined Unit 42 EF has been completed in accordance with applicable law; (b) all authorizations, permits, licenses and approvals required by and/or from any governmental and/or other authority in connection with the combination of said Units into combined Unit 42 EF have been issued; and (c) said combination of Units was effected in full compliance with all rules, regulations and requirements of the Trump Tower Condominium.

All capitalized terms used herein which are defined in the Declaration and are not separately defined herein shall have the meanings given to the said terms in the Declaration.

IN WITNESS WHEREOF, the undersigned owner of said Unit No. 42 EF has duly executed this Consent as of the 15 day of August, 2006.

CHIKAKO, INC., a New York corporation BY: Name: REUBEN SAUJE Title: ASST. SECY

| STATE OF NEW YORK               | )                            |   |
|---------------------------------|------------------------------|---|
|                                 | : SS.:                       |   |
| COUNTY OF NEW YORK              | )                            |   |
| On the 1 da                     | y of August, in the year     | 2006, before me, the undersigned,<br>_, personally known to me or proved to |
| personally appeared Kent        | y Same                       | , personally known to me or proved to                                       |
| me on the basis of satisfactor  | y evidence to be the indivi  | idual(s) whose name(s) is (are) subscribed                                  |
| to the within instrument and    | acknowledged to me that h    | ne/she/they executed the same in  |
| his/her/their capacity(ies), an | d that by his/her/their sign | ature(s) on the instrument, the   |

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individual(s), or the person upon behalf of which the individuals(s) acted, executed the instrument.

(Signature and office of individual taking acknowledgment)

BRAD D. RABINOWITZ Notary Public, State of New York No. 02RA6099945 Qualified in New York County Commission Expires Oct. 06, 2007

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#### SCHEDULE A TO

# CONSENT BY RESIDENTIAL UNIT OWNER TO TWELFTH AMENDMENT TO THE DECLARATION OF TRUMP TOWER CONDOMINIUM

#### DESCRIPTION OF THE LAND

All that certain lot, piece or parcel of land, situate, lying and being in the Borough of Manhattan, City, County and State of New York, bounded and described as follows:

BEGINNING at the corner formed by the intersection of the Northerly side of East 56th Street with the Easterly side of Fifth Avenue; running

THENCE Easterly along the Northerly side of East 56th Street, 175 feet;

THENCE Northerly and parallel with the Easterly side of Fifth Avenue and part of the distance through a party wall, 100 feet 5 inches, to the center line of the block;

THENCE Westerly along the center line of the block, 50 feet;

THENCE Northerly and parallel with the Easterly side of Fifth Avenue, 15 feet;

THENCE Westerly and parallel with the Northerly side of East 56th Street, 125 feet to the Easterly side of Fifth Avenue; and

THENCE Southerly along the Easterly side of Fifth Avenue, 115 feet 5 inches, to the point or place of BEGINNING.

Said premises being known as 721-725 Fifth Avenue.

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