

DARREN K. INDYKE

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June 30, 2011

VIA EMAIL ([REDACTED])

Paul J. Livigni, Project Site Manager

Merrick Real Estate Group, Inc.

2005 Merrick Road, Suite #183

Merrick, NY 11566

Re: Construction at 12-14 East 72nd Street, New York, NY

Dear Mr. Livigni:

I represent the owner (the "Owner") of the premises located at 9 East 71st Street, New York, New York (the "Affected Property") and write in regard to the construction activities taking place under your management at 12-14 East 72nd Street, New York, New York (the "Construction Site").

Please be advised that the incessant jack-hammering taking place at the Construction Site continues to generate excessive levels of noise and vibration and other disturbances at the Affected Property. These excessive levels and disturbances threaten to create extensive physical damage to the structure, improvements and personalty at the Affected Property and are substantially interfering with both the Owner's quality of life and the conduct of his business and personal affairs. In order that you may continue with construction activities at the Construction Site in a manner that will limit any resulting damages that the Owner may incur, the Owner is granting you permission to proceed, at your sole cost and expense, with the preconstruction survey and installation of monitoring systems at the Affected Property, as outlined in your June 29, 2011 email to Mr. Richard Barnett, the building manager at the Affected Property. Please coordinate with Mr. Barnett to schedule the survey and installation.

Finally, although the Owner has no wish to impede the progress of permitted and lawful construction activities at the Construction Site, I am sure you are aware that you and all other responsible parties shall be held fully liable for any and all damages the Owner incurs as a result of such activities. We sincerely hope that the

information obtained through the installed monitoring systems will assist you in avoiding any activity that may create such damages.

We look forward to a mutually cooperative and respectful relationship as you move forward with construction at the Construction Site.

Sincerely,

Darren K. Indyke