

DARREN K. INDYKE

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July 10, 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:

It has come to my attention that the excessive vibration and noise levels at 9 East 71st Street from the construction activities taking place under your management at 12-14 East 72nd Street have been increasing even more dramatically. Among other things, the owner of 9 East 71st Street has been experiencing problems with various electronic systems, his computerized telephone system, lutron lighting systems, and internet systems at the property, all as a result of such activities. The incessant and constant ground breaking from early in the morning until early evening has become intolerable and is interfering with the owner's personal and business activities. We were hoping that you would be willing to maintain a relationship of mutual cooperation and respect in connection with your construction activities. However, it is quite clear that you are not willing to do so. Consequently, you have left the owner with no choice but to pursue legal action to prevent further damages. I suggest you report this fact to your insurance company and provide me with the name of legal counsel upon whom we may serve legal process.

Sincerely,

Darren K. Indyke