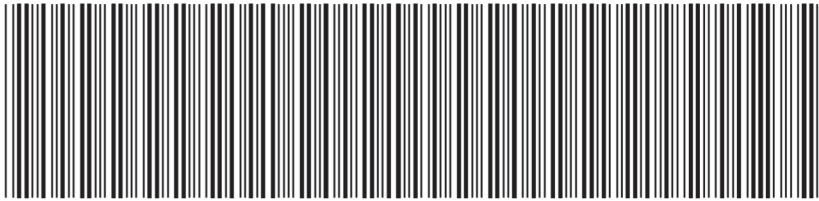


**NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER**

This page is part of the instrument. The City Register will rely on the information provided by you on this page for purposes of indexing this instrument. The information on this page will control for indexing purposes in the event of any conflict with the rest of the document.



2007072602068002001EAADC

RECORDING AND ENDORSEMENT COVER PAGE

PAGE 1 OF 15

Document ID: 2007072602068002

Document Date: 07-11-2007

Preparation Date: 07-27-2007

Document Type: ASSIGNMENT, MORTGAGE

Document Page Count: 14

PRESENTER:

FIRST AMERICAN -UNIONDALE*PICK-UP*
333 EARLE OVINGTON BLVD,
UNIONDALE, NY 11553
516-832-3206
NCS292016CHI2 LW

RETURN TO:

ING INVESTMENT MANAGEMENT LLC
5780 POWERS FERRY ROAD, SUITE 300
ATLANTA, GA 30327-4349

PROPERTY DATA

Borough	Block	Lot	Unit	Address
MANHATTAN	815	21	Entire Lot	104 WEST 40TH STREET
Property Type: COMMERCIAL REAL ESTATE				

CROSS REFERENCE DATA

MANHATTAN Year: 1994 Reel: 2119 Page: 1141

PARTIES

ASSIGNOR/OLD LENDER:

LASALLE BANK NATIONAL ASSOCIATION
C/O 900 WEST TRADE STREET
CHARLOTTE, NC 28255

ASSIGNEE/NEW LENDER:

ING USA ANNUITY AND LIFE INSURANCE
COMPANY
C/O 5780 POWERS FERRY ROAD
ATLANTA, GA 30327

FEES AND TAXES

Mortgage

Mortgage Amount:	\$	0.00
Taxable Mortgage Amount:	\$	0.00
Exemption:		
TAXES: County (Basic):	\$	0.00
City (Additional):	\$	0.00
Spec (Additional):	\$	0.00
TASF:	\$	0.00
MTA:	\$	0.00
NYCTA:	\$	0.00
Additional MRT:	\$	0.00
TOTAL:	\$	0.00
Recording Fee:	\$	122.00
Affidavit Fee:	\$	0.00

Filing Fee:

	\$	0.00
NYC Real Property Transfer Tax:	\$	0.00
NYS Real Estate Transfer Tax:	\$	0.00

**RECORDED OR FILED IN THE OFFICE
OF THE CITY REGISTER OF THE
CITY OF NEW YORK**



Recorded/Filed 08-10-2007 17:10
City Register File No.(CRFN):
2007000415559

Gnatto McMill

City Register Official Signature

NCS 292016 CH12

After Recording Return to:

ING Investment Management LLC
5780 Powers Ferry Road, NW, Suite 300
Atlanta, Georgia 30327-4349
Attention:

ASSIGNMENT OF MORTGAGE WITHOUT COVENANT

Block
815
20th
21

For and in consideration of the sum of one dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, LaSalle Bank National Association, as Trustee for the registered holders of Banc of America Commercial Mortgage Inc. Commercial Mortgage Pass-Through Certificates, Series 2004-2 ("Assignor"), with a mailing address c/o Bank of America, N.A., 900 West Trade St., Suite 650, NC1-026-06-01, Charlotte, NC 28255, does hereby, through its duly appointed and authorized servicing agent, bargain, sell, give, grant, convey, transfer, set over and assign, WITHOUT RECOURSE, COVENANT OR WARRANTY, to ING USA Annuity and Life Insurance Company, an Iowa corporation, with a mailing address c/o ING Investment Management LLC, 5780 Powers Ferry Road, NW, Suite 300, Atlanta, Georgia 30327-4349, its successors and assigns, all of the Assignor's rights, title and interest in, to and under the instruments and documents described on **Schedule A** attached hereto and made a part hereof.

This Assignment is not subject to the requirements of section two hundred seventy five of the Real Property Law because it is an assignment within the secondary mortgage market.

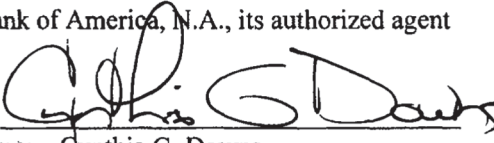
[Signature on Following Page]

IN WITNESS WHEREOF, Assignor has caused this Assignment to be executed, effective as of July 11, 2007.

ASSIGNOR:

**LASALLE BANK NATIONAL ASSOCIATION, AS TRUSTEE
FOR THE REGISTERED HOLDERS OF BANC OF AMERICA
COMMERCIAL MORTGAGE INC. COMMERCIAL
MORTGAGE PASS-THROUGH CERTIFICATES, SERIES
2004-2**

By: Bank of America, N.A., its authorized agent

By: 
Name: Cynthia G. Downs
Title: Principal

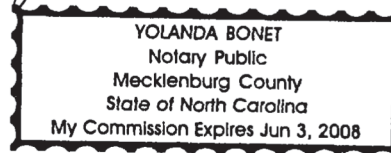
ACKNOWLEDGMENT

State of North Carolina
County of Mecklenburg : ss.:

On the 3 day of July N/A, 2007, before me, the undersigned, personally appeared Cynthia G. Downs, 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 or she executed the same in his capacity, and that by his or her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

SEAL


Notarial Seal



Schedule A

Mortgage Loan Schedule

**(ALL RECORDING REFERENCES ARE TO THE OFFICE OF THE REGISTER
OF THE CITY OF NEW YORK, COUNTY OF NEW YORK)**

1. Mortgage Security Agreement and Assignment of Leases and Rents made by 830 THIRD AVENUE ASSOCIATES, L.P. to LANDESBANK HESSEN-THURINGEN GIROZENTRALE in the principal amount of \$9,000,000, dated 07/13/94 and recorded 07/19/94 in the New York County Register's Office in Reel 2119 Page 1141;
2. Substitute Mortgage made by 830 THIRD AVENUE ASSOCIATES, L.P. to THE ARLEN CORPORATION in the principal amount of \$11,000,000, dated as of 07/31/96 and recorded 08/08/96 in the aforesaid Office in Reel 2354 Page 582;

which said mortgage (2) above was subsequently released from Bronx premises (Block 3733 Lot 9) from the lien of \$11,000,000 made by The Arlen Corporation, dated _____ and recorded in the aforesaid Office on 09/12/1996 in Reel 1416 Page 690;

which mortgage was assigned by THE ARLEN CORPORATION to LANDESBANK HESSEN-THURINGEN GIROZENTRALE by Assignment dated 07/31/96 and recorded 08/08/96 in the aforesaid Office in Reel 2354 Page 597;

which mortgage was modified by Amended and Restated Mortgage, Security Agreement and Assignment of Leases and Rents between 830 THIRD AVENUE ASSOCIATES, L.P. and LANDESBANK HESSEN-THURINGEN GIROZENTRALE, dated 07/31/96 and recorded 08/08/96 in the aforesaid Office in Reel 2354 Page 605;

which mortgage (2) and the mortgage described in paragraph (1) were Consolidated and Modified by Agreement between 830 THIRD AVENUE ASSOCIATES L.P. and LANDESBANK HESSEN-THURINGEN GIROZENTRALE, dated 07/31/96 and recorded 08/08/96 in the aforesaid Office in Reel 2354 Page 628, to form a single first lien in the principal amount of \$20,000,000 and interest;

3. Mortgage made by 830 THIRD AVENUE ASSOCIATES, L.P. to EDWARD M. LEDERMAN and EML DEVELOPMENT CORP. in the principal amount of \$4,516,637.80, dated 05/23/96 and recorded 07/29/96 in the aforesaid Office in Reel 2350 Page 468;

which mortgage was assigned by EDWARD M. LEDERMAN and EML DEVELOPMENT CORP. to LANDESBANK HESSEN-THURINGEN GIROZENTRALE by Assignment dated 10/16/97 and recorded 03/04/98 in the aforesaid Office in Reel 2550 Page 1753;

4. Second Consolidated, Amended and Restated Mortgage, Security Agreement and Assignment of Leases and Rents made by 830 THIRD AVENUE ASSOCIATES, L.P. to LANDESBANK HESSEN-THURINGEN GIROZENTRALE in the principal amount of \$83,362.20, dated 10/17/97 and recorded 03/04/98 in the aforesaid Office in Reel 2550 Page 1757; which mortgage by its terms was consolidated with the mortgage described in paragraph (3) above to form a single lien of \$4,600,000 and interest;
- a. Mortgage Consolidation and Spreader Agreement made by 830 Third Avenue Associates, L.P. and Park Avenue 400 Partnership to Landesbank Hessen-Thuringen Girozentrale, dated 06/30/99 recorded 07/21/99 in Reel 2917 Page 430; which consolidated Mortgage 1, 2, 3 & 4 to form a single lien in the amount of \$24,600,000.00 and spreads said lien to also encumber premises known as 400 Park Avenue, New York, N.Y., Block 1290 Lot 36.
 - b. Mortgage released from premises known as 830 Third Avenue, New York, N.Y. (Block 1305 Lot 40) by terms of a Release of Mortgage dated 06/30/99 and recorded 07/21/99 in Reel 2917 Page 442.
 - c. Mortgage Spreader Agreement made by and between 830 Third Avenue Associates, L.P., Park Avenue 400 Partnership and Landesbank Hessen-Thuringen Girozentrale, dated as of 08/13/99 and recorded 10/26/99 in Reel 2979 Page 38, which spreads the lien of the above consolidated mortgage, in the now reduced amount of \$23,500,000, to premises herein described; (Block 815 Lot 21)
 - d. Mortgage released from premises known as 400 Park Avenue, New York, N.Y. (Block 1290 Lot 36) by terms of a Release of Mortgage from Landesbank Hessen-Thuringen Girozentrale dated 08/31/99 and recorded 10/26/99 in Reel 2979 Page 402;
 - e. Amended, Restated and Consolidated Mortgage, Security Agreement and Fixture Filing by and between 104 West 40th Fee Associates LLC and Landesbank Hessen-Thuringen Girozentrale, dated as of 08/31/99 and recorded on 10/26/99 in Reel 2979 Page 410 (amends and restated Mortgage 1 thru 4 as consolidated in the reduced principal balance of \$23,500,000 and interest;

which said mortgage (a) thru (d) in the reduced amount of \$22,130,779 were assigned by LANDESBANK HESSEN-THURINGEN GIROZENTRALE to BANK OF AMERICA, N.A. by Assignment of Mortgage, dated February 11, 2004 and recorded in the aforesaid Office;

5. Mortgage made by 104 WEST 40TH FEE ASSOCIATES LLC to LANDESBANK HESSEN-THURINGEN GIROZENTRALE in the principal amount of \$8,000,000, dated as of 12/02/2003 and recorded 12/30/2003 in the aforesaid Office in Reel CRFN2003000541748;

which said mortgage in the amount of \$8,000,000 was assigned by LANDESBANK HESSEN-THURINGEN GIROZENTRALE to BANK OF AMERICA, N.A. by

Assignment of Mortgage, dated February 11, 2004 and to be duly recorded in the aforesaid Office;

6. Mortgage made by 104 WEST 40th STREET ASSOCIATES LLC to BANK OF AMERICA, N.A. in the principal amount of \$6,369,221.00 dated February 11, 2004 and to be duly recorded in the aforesaid Office;

which said mortgage (1) thru (6) above were consolidated by Mortgage and Agreement of Consolidation and Modification of Mortgage, Assignment of Leases and Rents, and Security Agreement between BANK OF AMERICA, N.A. and 104 WEST 40th STREET ASSOCIATES LLC dated February 11, 2004 and recorded on April 1, 2004, under CRFN 2004000194880 in the aforesaid Office, to form a single first lien on the amount of \$36,500,000 plus interest.

as assigned to LaSalle Bank National Association, as Trustee for the registered holders of Banc of America Commercial Mortgage Inc. Commercial Mortgage Pass-Through Certificates, Series 2004-2 by Assignment of Mortgage recorded January 31, 2005 under CRFN 2005000059163 in the aforesaid Office.

as modified and assumed by a Loan Assumption Agreement made between 104 West 40th Street Associates LLC, a Delaware limited liability company ; Aby Rosen, an individual and Michael Fuchs, an individual; Elm West 40th Street Associates, LLC, a Delaware limited liability company; EBREF Holding Company, LLC, a Delaware limited liability company; and LaSalle Bank National Association, as Trustee for the registered holders of Banc of America Commercial Mortgage Inc. Commercial Mortgage Pass-Through Certificates, Series 2004-2, dated November 1, 2005, and recorded November 2, 2005 under CRFN 2005000628612 in the aforesaid Office.

The principal balance of the loan secured by the Mortgage on the date hereof is \$34,911,545.95.

Property:

Block: 815
Lot: 21
Address: 104 West 39th Street
New York, New York

SECTION 275 AFFIDAVIT
(Assignment of Mortgage Without Covenant)

STATE OF New York :

COUNTY OF New York :

ss.

We, Brent M. Howe, the Senior Acquisitions Consultant and Dennis D. Ballard, the Counsel, each of Principal Real Estate Investors, LLC, a Delaware limited liability company, the authorized signatory of 104 West 40th Street Member LLC, a Delaware limited liability company, as Co-Managing Member of **104 WEST 40th STREET LLC**, a Delaware limited liability company (hereinafter referred to as the "Company") and M. Myer Mennel, the CEO of Maple West 40th Street, LLC, a Delaware limited liability company, as Managing Member of the Company, being duly sworn, deposes and say, with respect to that certain Assignment of Mortgage Without Covenant dated July __, 2007, which, among other things, assigns to ING USA Annuity and Life Insurance Company, an Iowa corporation (hereinafter referred to as the "Assignee") those certain mortgages set forth and described on Schedule "A" attached hereto and made a part hereof (hereinafter collectively referred to as the "Mortgages"), that I have knowledge of the following facts:

1. That the Mortgages have been recorded in the Clerk's Office of New York County, New York.
2. That the Assignee is not acting as a nominee of the Mortgagor under the Mortgages.
3. That the Mortgages continue to secure a bona fide obligation.
4. That this affidavit is made pursuant to Section 275 of the Real Property Law of the State of New York for the purpose of effectuating the assignment of the Mortgages by LaSalle Bank National Association, as Assignor, to the Assignee.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

104 WEST 40TH STREET LLC, a Delaware limited liability company

By: 104 West 40th Street Member LLC, a Delaware limited liability company, its Co-Managing Member

By: Principal Real Estate Investors, LLC, a Delaware limited liability company, authorized signatory

By: _____
Name: _____
Title: _____

By: _____
Name: _____
Title: _____

By: Maple West 40th Street, LLC, a Delaware limited liability company, its Managing Member

By: *M. Myers McNamee*
Name: *M. Myers McNamee*
Title: *Chief Executive Officer*

State of New York
County of New York

Sworn to before me this
6th day of July, 2007.

Maribel Alverio
Notary Public *Maribel Alverio*

MARIBEL ALVERIO
Notary Public, State of New York
No. 01AL6074898
Qualified in New York County
Commission Expires May 27, 2010

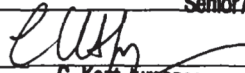
SEAL

104 WEST 40TH STREET LLC, a Delaware limited liability company

By: 104 West 40th Street Member LLC, a Delaware limited liability company, its Co-Managing Member

By: Principal Real Estate Investors, LLC, a Delaware limited liability company, authorized signatory

By: 
Name: Brent M. Hoover
Title: Senior Acquisitions Consultant

By: 
Name: C. Kent Jorgensen
Title: Director Closing

By: Maple West 40th Street, LLC, a Delaware limited liability company, its Managing Member

By: _____
Name: _____
Title: _____

Sworn to before me this
_____ day of July, 2007.

Notary Public

ACKNOWLEDGEMENT

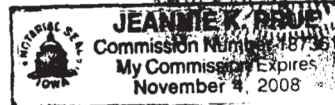
State of Iowa

} SS:

County of Polk

On the 12th day of July in the year 2007 before me, the undersigned, a Notary Public in and for said State, personally appeared Brent M. Hoover, 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) acted, executed the instrument.

Jeannie K. Brue
Notary Public



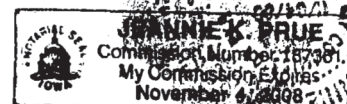
State of Iowa

} SS:

County of Polk

On the 12th day of July in the year 2007 before me, the undersigned, a Notary Public in and for said State, personally appeared C. Kent Juergensen, 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) acted, executed the instrument.

Jeannie K. Brue
Notary Public



SCHEDULE "A"

**ATTACHED TO AND MADE A PART OF THAT CERTAIN
SECTION 275 AFFIDAVIT (ASSIGNMENT OF MORTGAGE WITHOUT CONSENT)
MADE BY LASALLE BANK, NATIONAL ASSOCIATION AND
DATED JULY ____, 2007**

Description of Mortgages

See Attached.

MORTGAGE SCHEDULE

MORTGAGE 'A' - (Leasehold Mortgage) (Originally affected Block 15 Lot 1) (For Information Only)

MORTGAGE made by 17 BATTERY PLACE NORTH ASSOCIATES to KAWASAKI LEASING INTERNATIONAL INC. in the amount of \$25,000,000.00 dated 5/31/1991 and recorded 6/7/1991 in Reel 1788 page 1613 in the New York County Register's Office. (Mortgage Tax Paid: \$687,500.00) (see post)

ASSIGNMENT OF MORTGAGE made by KAWASAKI LEASING INTERNATIONAL INC. to DOWNTOWN ACQUISITION PARTNERS, L.P. dated as of 9/29/1995 and recorded 10/23/1995 in Reel 2254 page 210 in the New York County Register's Office. Assigns Mortgage 'A'. (see post)

SPREADER AGREEMENT made by and between ATC COMPANY, 17 BATTERY PLACE NORTH ASSOCIATES and DOWNTOWN ACQUISITION PARTNERS, L.P. dated 12/28/1995 and recorded 1/12/1996 in Reel 1363 page 2049 in the Bronx County Register's Office. Spreads the lien of Mortgage 'A' onto Block 3733 Lot 9. (see post)

ASSIGNMENT OF MORTGAGE made by DOWNTOWN ACQUISITION PARTNERS, L.P. to SACKBAR HOLDING CORP. dated as of 12/28/1995 and recorded 7/3/1996 in Reel 1399 page 1512 in the Bronx County Register's Office. Assigns Mortgage 'A'. (see post)

ASSIGNMENT OF MORTGAGE made by SACKBAR HOLDING CORP. to THE ARLEN CORPORATION dated 2/12/1996 and recorded 7/3/1996 in Reel 1399 page 1519 in the Bronx County Register's Office. Assigns Mortgage 'A'. (see post)

SPREADER AGREEMENT made by and between 830 THIRD AVENUE ASSOCIATES, L.P., ATC COMPANY, 17 BATTERY PLACE NORTH ASSOCIATES and THE ARLEN CORPORATION dated 7/31/1996 and recorded 8/8/1996 in Reel 2354 page 552 in the New York County Register's Office. Spreads the lien of Mortgage 'A' onto Block 1305 Lot 40. (see post)

MORTGAGE MODIFICATION AND SEVERANCE AGREEMENT made by and between THE ARLEN CORPORATION and 17 BATTERY PLACE NORTH ASSOCIATES and ATC COMPANY dated 7/31/1996 and recorded 8/12/1996 in Reel 1409 page 1463 in the Bronx County Register's Office. Modifies Mortgage 'A'. (see post) Severs the lien of Mortgage 'A' into two separate liens:

- i) 1st lien in the amount of \$11,000,000.00 as evidenced by Mortgage 'B' below; and
- ii) 2nd lien in the amount of \$6,884,207.00 (which does not affect the subject premises).

'Continued'

MORTGAGE SCHEDULE

Mortgage 'A' Continued:

MORTGAGE MODIFICATION AND SEVERANCE AGREEMENT made by and between THE ARLEN CORPORATION and 17 BATTERY PLACE NORTH ASSOCIATES and ATC COMPANY dated 7/31/1996 and recorded 8/8/1996 in Reel 2354 page 563 in the New York County Register's Office. Modifies Mortgage 'A'. (see post) Severs the lien of Mortgage 'A' into two separate liens:

- i) 1st lien in the amount of \$11,000,000.00 as evidenced by Mortgage 'B' below; and
- ii) 2nd lien in the amount of \$6,884,207.00 (which does not affect the subject premises).

MORTGAGE 'B'- SUBSTITUTE MORTGAGE (Originally affected Block 1305 Lot 40)

MORTGAGE made by 830 THIRD AVENUE ASSOCIATES, L.P. to THE ARLEN CORPORATION in the amount of \$11,000,000.00 dated as of 7/31/1996 and recorded 8/8/1996 in Reel 2354 page 582 in the New York County Register's Office. (Mortgage Tax Paid: Exempt) (see post)

PARTIAL RELEASE OF MORTGAGED PREMISES made by THE ARLEN CORPORATION and ATC COMPANY dated 7/31/1996 and recorded 9/12/1996 in Reel 1416 page 690 in the Bronx County Register's Office. Releases Block 3733 Lot 9 in Bronx County from the lien of Mortgage 'B'. (see post)

ASSIGNMENT OF MORTGAGE made by THE ARLEN CORPORATION to LANDESBANK HESSEN-THURINGEN GIROZENTRALE dated 7/31/1996 and recorded 8/8/1996 in Reel 2354 page 597 in the New York County Register's Office. Assigns Mortgage 'B'. (see post)

AMENDED AND RESTATED MORTGAGE, SECURITY AGREEMENT AND ASSIGNMENT OF LEASES AND RENTS made by and between 830 THIRD AVENUE ASSOCIATES, L.P. and LANDESBANK HESSEN-THURINGEN GIROZENTRALE dated 7/31/1996 and recorded 8/8/1996 in Reel 2354 page 605 in the New York County Register's Office. Amends and restates Mortgage 'B'. (see post)

FOR CONSOLIDATION, SEE MORTGAGE 'C'

MORTGAGE 'C'- MORTGAGE, SECURITY AGREEMENT AND ASSIGNMENT OF LEASES AND RENTS (Originally affected Block 1305 Lot 40)

MORTGAGE made by 830 THIRD AVENUE ASSOCIATES, L.P. to LANDESBANK HESSEN-THURINGEN GIROZENTRALE in the amount of \$9,000,000.00 dated 7/13/1994 and recorded 7/19/1994 in Reel 2119 page 1141 in the New York County Register's Office. (Mortgage Tax Paid: \$247,500.00) (see post)

'Continued'

MORTGAGE SCHEDULE

Mortgage 'C' Continued:

CONSOLIDATION EXTENSION AND MODIFICATION AGREEMENT made by and between LANDESBANK HESSEN-THURINGEN GIROZENTRALE and 830 THIRD AVENUE ASSOCIATES, L.P. dated as of 7/31/1996 and recorded 8/8/1996 in Reel 2354 page 628 in the New York County Register's Office. Consolidates Mortgages 'B' and 'C' to form a single lien in the amount of \$20,000,000.00.

FOR FURTHER CONSOLIDATION, SEE MORTGAGE 'E'

MORTGAGE 'D' (Originally affected Block 1305 Lot 40)

MORTGAGE made by 830 THIRD AVENUE ASSOCIATES, L.P. to EDWARD LEDERMAN and EML DEVELOPMENT CORP. in the amount of \$4,516,637.80 dated 5/23/1996 and recorded 7/29/1996 in Reel 2350 page 468 in the New York County Register's Office. (Mortgage Tax Paid: \$124,206.50) (see post)

ASSIGNMENT OF MORTGAGE made by EDWARD LEDERMAN and EML DEVELOPMENT CORP. to LANDESBANK HESSEN-THURINGEN GIROZENTRALE dated 10/16/1997 and recorded 3/4/1998 in Reel 2550 page 1753 in the New York County Register's Office. Assigns Mortgage 'D'. (see post)

FOR CONSOLIDATION, SEE MORTGAGE 'E'

MORTGAGE 'E'- SECOND CONSOLIDATED, AMENDED AND RESTATED MORTGAGE, SECURITY AGREEMENT AND ASSIGNMENT OF LEASES AND RENTS (Originally affected Block 1305 Lot 40)

MORTGAGE AND CONSOLIDATION AGREEMENT made by 830 THIRD AVENUE ASSOCIATES, L.P. to LANDESBANK HESSEN-THURINGEN GIROZENTRALE in the amount of \$83,362.20 dated 10/17/1997 and recorded 3/4/1998 in Reel 2550 page 1757 in the New York County Register's Office. (Mortgage Tax Paid: \$1,668.00) Consolidates Mortgages 'D' and 'E' to form a single lien in the amount of \$4,600,000.00.(see post)

CONSOLIDATION EXTENSION AND MODIFICATION AGREEMENT made by and between LANDESBANK HESSEN-THURINGEN GIROZENTRALE and 830 THIRD AVENUE ASSOCIATES, L.P. dated as of 6/30/1999 and recorded 7/21/1999 in Reel 2917 page 430 in the New York County Register's Office. Consolidates Mortgages 'B' through 'E' to form a single lien in the amount of \$24,600,000.00. Spreads the lien of Mortgages 'B' through 'E', as consolidated, to encumber premises known as Block 1290 Lot 36 in New York County. (see post)

'Continued'

MORTGAGE SCHEDULE

Mortgage 'E' Continued:

PARTIAL RELEASE OF MORTGAGED PREMISES made by and between LANDESBANK HESSEN-THURINGEN GIROZENTRALE and 830 THIRD AVENUE ASSOCIATES, L.P. dated 6/30/1999 and recorded 7/21/1999 in Reel 2917 page 442 in the Bronx County Register's Office. Releases Block 1305 Lot 40 in New York County from the lien of Mortgages 'B' through 'E', as consolidated. (see post)

MORTGAGE SPREADER AGREEMENT made by and between LANDESBANK HESSEN-THURINGEN GIROZENTRALE, PARK AVENUE 400 PARTNERSHIP, 104 WEST 40TH FEE ASSOCIATES LLC and 830 THIRD AVENUE ASSOCIATES, L.P. dated as of 8/31/1999 and recorded 10/26/1999 in Reel 2979 page 389 in the New York County Register's Office. Spreads the lien of Mortgages 'B' through 'E', as consolidated, to encumber subject premises known as Block 815 Lot 21. (see post)

PARTIAL RELEASE OF MORTGAGED PREMISES made by and between LANDESBANK HESSEN-THURINGEN GIROZENTRALE and 830 THIRD AVENUE ASSOCIATES, L.P. dated 8/31/1999 and recorded 10/26/1999 in Reel 2979 page 402 in the New York County Register's Office. Releases Block 1305 Lot 40 in New York County from the lien of Mortgages 'B' through 'E', as consolidated. (see post)

AMENDED, RESTATED AND CONSOLIDATED MORTGAGE, SECURITY AGREEMENT AND FIXTURE FILING made by and between LANDESBANK HESSEN-THURINGEN GIROZENTRALE and 104 WEST 40TH FEE ASSOCIATES LLC dated as of 8/31/1999 and recorded 10/26/1999 in Reel 2979 page 410 in the New York County Register's Office. Amends and restates the consolidation of Mortgages 'B' through 'E' in the reduced amount of \$23,500,000.00. (see post)

ASSIGNMENT OF MORTGAGE made by LANDESBANK HESSEN-THURINGEN GIROZENTRALE to BANK OF AMERICA, N.A. dated 2/11/2004 and recorded 4/1/2004 as CRFN 2004000194879 the New York County Register's Office. Assigns Mortgages 'B' through 'E', as consolidated. (see post)

FOR FURTHER CONSOLIDATION, SEE MORTGAGE 'G'

MORTGAGE 'F'- SECOND MORTGAGE, SECURITY AGREEMENT AND ASSIGNMENT OF LEASES AND RENTS AND FIXTURE FILING

MORTGAGE made by 104 WEST 40TH FEE ASSOCIATES LLC to LANDESBANK HESSEN-THURINGEN GIROZENTRALE in the amount of \$8,000,000.00 dated as of 12/2/2003 and recorded 12/30/2003 as CRFN 2003000541748 in the New York County Register's Office. (Mortgage Tax Paid: \$220,000.00) (see post)

'Continued'

MORTGAGE SCHEDULE

Mortgage 'F' Continued:

ASSIGNMENT OF MORTGAGE made by LANDESBANK HESSEN-THURINGEN GIROZENTRALE to BANK OF AMERICA, N.A. dated 2/10/2004 and recorded 4/1/2004 as CRFN 2004000194878 the New York County Register's Office. Assigns Mortgage 'F'. (see post)

FOR CONSOLIDATION, SEE MORTGAGE 'G'

MORTGAGE 'G'- MORTGAGE AND AGREEMENT OF CONSOLIDATION AND MODIFICATION OF MORTGAGE, ASSIGNMENT OF LEASES AND RENTS AND SECURITY AGREEMENT

MORTGAGE AND CONSOLIDATION AGREEMENT made by 104 WEST 40TH STREET ASSOCIATES LLC to LANDESBANK HESSEN-THURINGEN GIROZENTRALE in the amount of \$6,369,221.00 dated as of 2/11/2004 and recorded 4/1/2004 as CRFN 2004000194880 in the New York County Register's Office. (Mortgage Tax Paid: \$175,153.00) Consolidates Mortgages 'B' through 'G' to form a single lien in the amount of \$36,500,000.00.(see post)

ASSIGNMENT OF MORTGAGE made by BANK OF AMERICA, N.A. to LASALLE BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR THE REGISTERED HOLDERS OF THE BANC OF AMERICA COMMERCIAL MORTGAGE CORPORATION, COMMERCIAL MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2004-2 dated 1/6/2004 and recorded 1/3/2005 as CRFN 2005000059163 the New York County Register's Office. Assigns Mortgages 'B' through 'G', as consolidated. (see post)

LOAN ASSUMPTION AGREEMENT made by and between 104 WEST 40TH STREET ASSOCIATES LLC, ABY ROSEN, MICHAEL FUCHS, ELM WEST 40TH STREET ASSOCIATES LLC, EBREF HOLDING COMPANY LLC and LASALLE BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR THE REGISTERED HOLDERS OF THE BANC OF AMERICA COMMERCIAL MORTGAGE CORPORATION, COMMERCIAL MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2004-2 dated as of 11/1/2005 and recorded 11/10/2005 as CRFN 2005000628612 the New York County Register's Office. ELM WEST 40TH STREET ASSOCIATES LLC, EBREF HOLDING COMPANY LLC assume the lien of Mortgages 'B' through 'G', as consolidated. (see post)

Mortgages 'B' through 'G', as consolidated, can be assigned and/or satisfied by:

LASALLE BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR THE REGISTERED HOLDERS OF THE BANC OF AMERICA COMMERCIAL MORTGAGE CORPORATION, COMMERCIAL MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2004-2