

**300 WEST 23RD STREET OWNERS CORP.**

**FINANCIAL STATEMENTS**

**AND**

**SUPPLEMENTARY INFORMATION**

**DECEMBER 31, 2009 AND 2008**

**300 WEST 23RD STREET OWNERS CORP.**

**TABLE OF CONTENTS**

	<u>Page</u>
<b>INDEPENDENT AUDITOR'S REPORT</b> .....	1
<b>FINANCIAL STATEMENTS</b>	
Balance Sheet.....	2 - 3
Statement of Operations.....	4
Statement of Changes in Stockholders' Equity.....	5
Statement of Cash Flows.....	6
Notes to Financial Statements.....	7 - 10
<b>SUPPLEMENTARY INFORMATION</b>	
Schedule of Capital Improvements, Repairs and Maintenance.....	11

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INDEPENDENT AUDITOR'S REPORT

The Board of Directors and Shareholders  
300 WEST 23RD STREET OWNERS CORP.

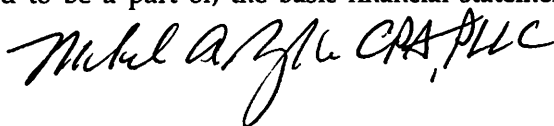
I have audited the accompanying balance sheet of 300 WEST 23RD STREET OWNERS CORP. as of December 31, 2009 and 2008 and the related statements of operations and cash flows for the years then ended. These financial statements are the responsibility of the Corporation's Board of Directors and management. My responsibility is to express an opinion on these financial statements based on my audit.

I conducted my audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that I plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement. An audit includes consideration of internal control over financial reporting as a basis for designing audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of internal control over financial reporting. Accordingly, I express no such opinion. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. I believe that my audit provides a reasonable basis for my opinion.

In my opinion, the financial statements referred to above present fairly, in all material respects, the financial position of 300 WEST 23RD STREET OWNERS CORP. and the results of its operations and cash flows for the years then ended in conformity with accounting principles generally accepted in the United States of America.

The Schedules of Capital Improvements, Repairs and maintenance on page 11 are presented for purposes of additional analysis and are not a required part of the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements, and, in my opinion, is fairly stated in all material respects in relation to the basic financial statements taken as a whole.

The Corporation has not presented supplementary information on future major repairs and replacements that the American Institute of Certified Public Accountants has determined is necessary to supplement, although not required to be a part of, the basic financial statements generally accepted in the United States of America.



Pelham, New York  
April 16, 2010

## 300 WEST 23RD STREET OWNERS CORP.

## BALANCE SHEET

December 31, 2009 and 2008

	<u>2009</u>	<u>2008</u>
<b>ASSETS</b>		
Current assets:		
Cash, operating account	\$ 21,088	\$ 47,784
Cash and cash equivalents , interest bearing	401,872	1,335,058
Cash designated for real estate taxes	146,155	195,849
Receivables, tenant-shareholders	29,577	21,358
Prepaid expenses	3,927	2,021
Prepaid common charges	<u>21,726</u>	<u>-</u>
Total current assets	624,345	1,602,070
Real property, at cost:		
Land	3,663,078	3,663,078
Building	14,652,312	14,652,312
Building improvements	<u>5,321,417</u>	<u>4,315,556</u>
	23,636,807	22,630,946
Less accumulated depreciation	<u>9,564,653</u>	<u>9,047,212</u>
	14,072,154	13,583,734
Other assets:		
Security deposits	9,155	9,155
Investment in NCB stock	120,000	120,000
Mortgage costs, net	<u>71,076</u>	<u>82,596</u>
	<u>\$ 14,896,730</u>	<u>\$ 15,397,555</u>

See Accompanying Notes to Financial Statements

**300 WEST 23RD STREET OWNERS CORP.**

**BALANCE SHEET**

December 31, 2009 and 2008

	<u>2009</u>	<u>2008</u>
<b>LIABILITIES</b>		
<b>Current liabilities:</b>		
Accounts payable and accrued expenses	\$ 169,777	\$ 77,705
Building improvements payable	151,173	57,234
Accrued interest payable	57,660	57,660
Common charges payable	-	39,757
Due to 300 West 23rd Street Condominium (Note 3)	-	121,502
Maintenance revenue received in advance	19,070	15,047
Due to tenant-shareholders, tax abatements	<u>82,568</u>	<u>68,890</u>
<b>Total current liabilities</b>	<b>480,248</b>	<b>437,795</b>
<b>Other liabilities:</b>		
Mortgage note payable	12,000,000	12,000,000
Refundable security deposits	<u>79,884</u>	<u>88,184</u>
<b>Total liabilities</b>	<u><b>12,560,132</b></u>	<u><b>12,525,979</b></u>
 <b>Commitments and contingencies (Note 8)</b>		
 <b>STOCKHOLDERS' EQUITY</b>		
Common stock, 40,000 shares of \$1 par value authorized, 37,549 shares issued and outstanding	37,549	37,549
Additional paid-in capital	13,641,469	13,641,469
Additional paid-in capital, treasury stock	75,025	75,025
Treasury stock	(485,526)	(485,526)
Accumulated deficit	<u>(10,931,919)</u>	<u>(10,396,941)</u>
<b>Total stockholders' equity</b>	<u><b>2,336,598</b></u>	<u><b>2,871,576</b></u>
	<u><b>\$ 14,896,730</b></u>	<u><b>\$ 15,397,555</b></u>

See Accompanying Notes to Financial Statements

**300 WEST 23RD STREET OWNERS CORP.**  
**STATEMENT OF OPERATIONS**  
For the Years Ended December 31, 2009 and 2008

	<u>2009</u>	<u>2008</u>
<b>Revenues:</b>		
Maintenance charges	\$ 2,818,547	\$ 2,736,920
Maintenance assessment	145,506	127,104
Late fees	6,000	6,100
Sublet fees	10,979	3,942
Move-in fees	27,000	-
Laundry	18,000	18,000
Transfer fees	9,120	13,260
Storage bins	10,775	12,477
Investment return	4,077	31,128
NCB Patronage dividend	-	102,388
Window installation fees	16,174	-
Other fees	8,222	5,500
	<u>3,074,400</u>	<u>3,056,819</u>
 <b>Expenses:</b>		
Common charges, operating expenses	610,791	647,804
Common charges, common area improvements	-	7,647
Excess Condominium expenses (Note 5)	523,413	562,887
Repairs and maintenance	141,762	152,288
Water and sewer charges	63,562	63,414
Insurance	3,323	3,625
Interest expense	678,900	680,760
Real estate taxes	982,439	846,184
Professional fees	13,018	18,730
Real estate tax certiorari	32,001	63,703
Corporation taxes	6,843	9,545
Administrative expenses	16,125	13,584
Other	8,240	6,665
	<u>3,080,417</u>	<u>3,076,836</u>
 <b>Income (loss) from operations before depreciation and amortization</b>	 (6,017)	 (20,017)
Depreciation	(517,441)	(464,092)
Amortization	(11,520)	(11,520)
 <b>Net income (loss) for the year</b>	 \$ (534,978)	 \$ (495,629)

See Accompanying Notes to Financial Statements

**300 WEST 23RD STREET OWNERS CORP.**  
**STATEMENT OF CHANGES IN STOCKHOLDERS' EQUITY**  
For the Years Ended December 31, 2009 and 2008

	<u>2009</u>	<u>2008</u>
<b><u>Common Stock</u></b>		
Balance, beginning of year	\$ 37,549	\$ 37,549
Transactions during the year	<u>-</u>	<u>-</u>
Balance, end of year	<u>\$ 37,549</u>	<u>\$ 37,549</u>
<b><u>Additional Paid-In Capital</u></b>		
Balance, beginning of year	\$ 13,641,469	\$ 13,641,469
Transactions during the year	<u>-</u>	<u>-</u>
Balance, end of year	<u>\$ 13,641,469</u>	<u>\$ 13,641,469</u>
<b><u>Additional Paid-In Capital, Treasury Stock</u></b>		
Balance, beginning of year	\$ 75,025	\$ 75,025
Transactions during the year	<u>-</u>	<u>-</u>
Balance, end of year	<u>\$ 75,025</u>	<u>\$ 75,025</u>
<b><u>Treasury Stock</u></b>		
Balance, beginning of year	\$ (485,526)	\$ (485,526)
Transactions during the year	<u>-</u>	<u>-</u>
Balance, end of year	<u>\$ (485,526)</u>	<u>\$ (485,526)</u>
<b><u>Accumulated Deficit</u></b>		
Balance, beginning of year	\$ (10,396,941)	\$ (9,901,312)
Net income (loss) for the year	<u>(534,978)</u>	<u>(495,629)</u>
Balance, end of year	<u>\$ (10,931,919)</u>	<u>\$ (10,396,941)</u>

See Accompanying Notes to Financial Statements

**300 WEST 23RD STREET OWNERS CORP.**  
**STATEMENT OF CASH FLOWS**  
For the Years Ended December 31, 2009 and 2008

	<u>2009</u>	<u>2008</u>
<b><u>Cash Flows From Operating Activities</u></b>		
Net income (loss)	\$ (534,978)	\$ (495,629)
Adjustments to reconcile net income (loss) to net cash provided (used) by operating activities:		
Depreciation and amortization	528,961	475,612
(Increase) decrease in assets:		
Receivables, tenant-shareholders	(8,219)	(4,534)
Prepaid expenses	(1,906)	901
Prepaid common charges	(21,726)	-
Increase (decrease) in liabilities:		
Accounts payable and accrued expenses	92,072	26,381
Common charges payable	(39,757)	(115,825)
Due to 300 West 23rd Street Condominium	(121,502)	40,258
Maintenance revenue received in advance	4,023	(16,653)
Due to tenant-shareholders, tax abatements	13,678	5,360
Refundable security deposits	(8,300)	(9,010)
<b><u>Net Cash Provided (Used) By Operating Activities</u></b>	<u>(97,654)</u>	<u>(93,139)</u>
<b><u>Cash Flows From Investing Activities</u></b>		
Payments for building improvements	(1,005,861)	(497,867)
Building improvements payable	93,939	57,234
<b><u>Net Cash Provided (Used) By Investing Activities</u></b>	<u>(911,922)</u>	<u>(440,633)</u>
<b>Net increase (decrease) in cash</b>	<b>(1,009,576)</b>	<b>(533,772)</b>
Cash and cash equivalents, beginning of year	<u>1,578,691</u>	<u>2,112,463</u>
Cash and cash equivalents, end of year	<u>\$ 569,115</u>	<u>\$ 1,578,691</u>

**Supplemental Disclosure**

Cash paid during the year for:

Interest	\$ <u>678,900</u>	\$ <u>680,760</u>
Franchise taxes	\$ <u>4,822</u>	\$ <u>8,700</u>

See Accompanying Notes to Financial Statements



**300 WEST 23RD STREET OWNERS CORP.  
NOTES TO FINANCIAL STATEMENTS**

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1. **Nature of Organization**

300 WEST 23RD STREET OWNERS CORP. (the "Corporation") is a qualified cooperative housing corporation organized under Section 216 (b) (1) of the Internal Revenue Code. The Corporation was formed to operate and maintain the residential unit of the 300 WEST 23RD STREET CONDOMINIUM (the "Condominium") located at 300 West 23<sup>rd</sup> Street, New York, New York. The residential unit comprises the 220 residential apartments in the building.

The financial statements of 300 WEST 23RD STREET CONDOMINIUM should be read in conjunction with these financial statements.

2. **Summary of Significant Accounting Policies**

**Basis of Presentation** - The financial statements have been prepared on the accrual basis of accounting in accordance with the accounting principles prescribed by the *Audit and Accounting Guide for Common Interest Realty Associations* issued by the American Institute of Certified Public Accountants.

**Use of Estimates** - The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect certain reported amounts and disclosures in the financial statements. Accordingly, actual results could differ from those estimates.

**Cash Equivalents** - For purposes of the statement of cash flows, the Corporation considers all temporary cash investments with original maturities of three months or less to be cash equivalents.

**Depreciation** - Building and building improvements are stated at cost. The building and improvements are depreciated over their estimated useful lives using the straight-line method.

**Accounts Receivable** - Amounts due from tenant-shareholders are deemed fully collectible by the Corporation. It is the Corporation's policy to retain legal counsel and place liens against tenant-shareholders whose maintenance charges and assessments are in arrears. This policy is strictly enforced after all reasonable collection methods are exhausted. Accordingly, no amount has been established as an allowance for uncollectible accounts.

**Treasury Stock** - Shares of stock allocated to apartments acquired by the Corporation have been recorded as treasury stock at the total cost incurred by the Corporation in acquiring those shares.

**Maintenance Charges** - Tenant-shareholders are subject to monthly maintenance charges based on an annual budget determined by the Board of Directors to provide funds for the Corporation's operating expenses and improvements to the common property. Any excess operating funds at year-end are retained by the Corporation for use in future years.

**Income Taxes** - The Corporation is presently subject to New York State franchise and New York City general corporation tax on its capital base using special rates available to cooperative housing corporations. The corporation is subject to Federal income tax pursuant to Subchapter T of the Internal Revenue Code.

**300 WEST 23RD STREET OWNERS CORP.  
NOTES TO FINANCIAL STATEMENTS**

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2. **Summary of Significant Accounting Policies (Continued)**

**Uninsured Cash Balances** - The Corporation maintains deposit accounts at various financial institutions in New York City. From time to time deposits in these accounts exceed federally insured limits. The Corporation has not experienced any losses in these accounts and does not deem them to be at risk.

**Subsequent Events** - The Corporation has evaluated events and transactions that occurred between December 31, 2009 and April 16, 2010, the date the financial statements were available to be issued, for possible disclosure and recognition in the financial statements.

3. **Due To/From 300 WEST 23RD STREET CONDOMINIUM**

Amounts receivable from the Condominium at December 31, 2009 and 2008 consist primarily of insurance premiums paid on behalf of the Condominium as required under the terms of the Corporation's underlying mortgage. The amounts due to the Condominium are for common charges and expenses in excess of residential common charges. (See Note 6)

4. **Mortgage Note Payable**

In February 2006, the Corporation refinanced its outstanding mortgage and credit line with a new first mortgage in the principal amount of \$12,000,000 with National Cooperative Bank ("NCB"). The new mortgage requires monthly payments of approximately \$55,800 applied to interest only at 5.58%. The new mortgage is for a period of ten years maturing March 1, 2016. The mortgage may only be prepaid, subject to penalty, as defined in the mortgage documents.

As a condition of extending the first mortgage note, the Corporation was required to purchase stock in NCB in the amount of 1.0% of the principal balance of the mortgage, or \$120,000. The stock is not marketable or transferable and may only be redeemed upon satisfaction of the mortgage unless repurchased sooner at the Bank's election.

In connection with its 2006 refinancing transaction, the Corporation incurred fees of \$115,236 that are being amortized over the ten-year term of the mortgage.

The residential unit of the 300 WEST 23RD STREET CONDOMINIUM is pledged as collateral for the mortgage.

5. **Line of Credit**

In addition to the first mortgage described in Note 4 above, NCB extended the Corporation a line of credit in the maximum amount of \$1,000,000. Interest is charged monthly on outstanding balances at 3.50% above LIBOR and is subject to change with each change in the LIBOR. Principal repayment is permitted in strict accordance with the terms of the loan documents. The credit line was not used during 2009 or 2008.

**300 WEST 23RD STREET OWNERS CORP.**  
**NOTES TO FINANCIAL STATEMENTS**

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6. **Excess Condominium Expense Reimbursements**

In May 1996, the Condominium Association and the commercial unit owner entered into a settlement wherein certain revisions were made to the operating budget of the Condominium with respect to the common elements and allocation of common expenses. Pursuant to the settlement agreement, the Corporation is to reimburse the Association for certain expenses in excess of its residential common charges.

Expenses in excess of residential unit common charges for the years ended December 31, 2009 and 2008 consisted of the following:

	<u>2009</u>	<u>2008</u>
Wages	\$ 207,821	\$ 188,515
Payroll tax expense	17,168	12,228
Employee benefits	94,767	97,217
Gas	4,871	6,320
Electricity	198,786	258,607
Totals	<u>\$ 523,413</u>	<u>\$ 562,887</u>

7. **Future Major Repairs and Replacements**

The Corporation has not conducted a formal study to determine the remaining useful lives of all the components of common property and current estimates of costs of major repairs and replacements that may be required in the future. The study is not required by governing law or the By-laws of the Corporation. The Board of Directors reviews the condition of various building systems on a regular basis and intends to repair or replace elements of the common property as the need arises.

The Corporation has established separate accounts to accumulate funds for repairs and replacements to the common property. When additional replacement funds are needed to meet future needs for major repairs and replacements, the Corporation has the right to increase regular maintenance, authorize special assessments, borrow, or delay major repairs and replacements until funds are available. The effect on future maintenance assessments has not been determined at this time.

Please refer to the Supplementary Information on page 12 and Footnote 8 below for a schedule of current capital improvement projects and additional information.

8. **Commitments and Contingencies**

During 2009, the Corporation entered into a contract for limited exterior waterproofing and restoration of the building's terraces. The total adjusted cost of the contract, exclusive of architectural and engineering fees, was \$175,443. At December 31, 2009 the project was substantially complete and approximately \$25,000 remained to be paid to the contractor.

**300 WEST 23RD STREET OWNERS CORP.**  
**NOTES TO FINANCIAL STATEMENTS**

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**8. Commitments and Contingencies (Continued)**

During the year ending December 31, 2008, the Corporation entered into a contract for the replacement of the building's windows. The total adjusted cost of the contract, exclusive of architectural and engineering fees, was \$1,022,314. The project was completed during 2009 and at December 31, 2009 approximately \$65,014 remained to be paid to the contractor. The Corporation funded the project from proceeds from the 2006 mortgage refinancing. (See Note 4)

The Corporation is subject to various legal proceedings and claims, either asserted or unasserted, that arise in the ordinary course of business. Although the outcome of legal proceedings and claims cannot be predicted with certainty, the Board of Directors and management estimate that any such matters would be resolved without a material adverse effect on the Corporation's future financial position or results of operations

**9. Condominium Budget Revision**

In May 2009, the Board of Directors of 300 WEST 23RD STREET OWNERS CORP. and the Board of Managers of the 300 WEST 23RD STREET CONDOMINIUM mutually agreed to re-allocate repairs and maintenance that are the sole responsibility of 300 WEST 23RD STREET OWNERS CORP. directly to the Corporation's operating budget rather than allocate them through the common charge of the Condominium. The 2008 Statement of Operations in these financial statements has been restated to reflect this change. There is no effect on net income as a result of this change.

**10. Reclassifications**

Certain amounts from the prior year's financial statements have been reclassified to comply with the format of the current year's financial statement presentation. There is no affect on net income.

**SUPPLEMENTARY INFORMATION**

**300 WEST 23RD STREET OWNERS CORP.**  
**SCHEDULES OF CAPITAL IMPROVEMENTS, REPAIRS AND MAINTENANCE**  
For the Years Ended December 31, 2009 and 2008

	<u>2009</u>	<u>2008</u>
<b><u>Capital Improvements</u></b>		
Window replacement project:		
Window contractor	\$ 673,711	\$ 348,603
Architect, engineer and supervision	73,795	32,883
Scaffolding and other related costs	6,244	17,042
	753,750	398,528
Exterior masonry and waterproofing, terrace restoration	249,815	99,339
Lobby air conditioning (in progress)	2,296	-
	\$ 1,005,861	\$ 497,867
 <b><u>Repairs and Maintenance</u></b>		
Janitorial supplies	\$ 19,994	\$ 18,621
Plumbing	65,783	49,415
Painting and plastering, water damage	37,062	47,126
Doors, locks and windows	2,462	3,703
Exterminating	4,901	4,710
Intercom and electrical	8,395	8,154
Architect and engineering for repairs	-	13,619
Cleaning and housekeeping	1,862	3,406
Floors, carpeting	-	2,330
Miscellaneous	1,303	1,204
	\$ 141,762	\$ 152,288