

NEW YORK STATE OFFICE OF THE ATTORNEY GENERAL REAL ESTATE FINANCE BUREAU 120 Broadway. 23rd Floor New York. NY 10271-0332 Tel. 212 416 8121 Fax 212 416 8136 <u>http://www.oag.state.ny.us/realestate/realestate.html</u>

INSTRUCTIONS FOR FILING A DESIGNATION OF THE SECRETARY OF STATE Under Sections 352-a and 352-b, General Business Law of the State of New York

- 1. Complete and execute the annexed Designation form, including signatures of principals of the filing parties called for in the applicable Regulations (13 NYCRR Parts 16 to 25).
- 2. The Designation must be acknowledged by each signatory before a notary public, who must countersign the acknowledgment and affix a legible official notary stamp.
- 3. Each Designation must be enclosed in a backer, or cover sheet, with the title of the designation and the name and the address of the filing party typed thereon.
- 4. Each Designation is to be filed with the Department of State, Division of Corporations, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231.
- Each Designation should be accompanied by a submission letter containing a request that a certified copy be forwarded to New York State Department of Law, 120 Broadway, 23rd floor, New York, NY 10271.Attn: Real Estate Finance Bureau
- 5. The fee for each Designation is \$35.00 (Filing fee \$25 plus certified copy fee \$10), payable by ordinary check showing the remitter's name and address, or a bank check or money order. The check or remittance should be payable to order of NYS Department of State.
- 7. Payment for filing the Designation must be made by separate check or money order from that of any State Notice, Further State Notice or any other filing (a separate check is to be used for each filing).

To be filed with:

Department of State, State of New York , Albany, NY 12231

() Out-of-State Issuer (Section 352-a)

(Entity Name'

- () Out-of-State Securities Dealer or Broker (Section 352-b)
- () Out-of-State Real Estate Selling Agent (Section 352-b)
- () Out-of-State Real Estate Sponsor, Syndicator, Principal,
- Underwriter or Promoter (Section 352-a, Section 352-b)
- Out-of-State Attorney Acting as Escrow Agent (Section 352-e (2-b), 13 NYCRR)
- () Escrow Depository Not Doing Business in New York State (Section 352-e(2-b), 13 NYCRR)

DESIGNATION UNDER SECTIONS 352-a/352-b OF ARTICLE 23-A OF THE GENERAL BUSINESS LAW OF THE STATE OF NEW YORK

To whom it may concern:

The undersigned,___

a
(Identify Type of Entity: corporation, trust, individual limited partnership, tenancy- in-common or pooling if other, apacify."
(organized and existing) (being organized) (proposed to be
organized) under the laws of the (State) (Province)(Commonwealth)
of, (to be)
residing or domiciled outside of the State of New York, and
(maintaining)(to be maintaining) an office and place of business
at,

County,

(State)(Province)(Commonwealth) of ______ that is or may appear to be an Issuer, Dealer or Broker or in another capacity in relation to a securities transaction within Article 23-A of the New York General Business Law, together with the undersigned

and other signatories hereto comprising (all of) the principals, trustees, general partners, principal shareholders, officers, directors and principal owners of the first-named party, severally hereby irrovocably DESIGNATE the Secretary of State of State of New York as the person upon whom may be served any subpoena, subpoena duces tecum, summons, complaint, notice, order, judgment or other process directed to any of the aforesaid and issued on any action, investigation, examination or proceeding pending or about to be instituted, under and pursuant to the provisions of Article 23-A of the General Business Law of the State of New York for the uses and purposes therein set forth. IN WITNESS WHEREOF, the undersigned person(s) (has)(have) severally caused this instrument to be duly exccuted (and corporate seal affixed hereunto) this _____ day of _____ , 199 .

[If corporation, affix corporate seal here.]

Name of entity

BY _____

Title

Individual or entity (partner, officer or principal)

ACKNOWLEDGMENT (EXISTING CORPORATION ONLY)

STATE OF)		
COUNTY OF	: SS)		
On this _	day of	, 199, before m	e personally came
		, to me known, who bein	g by me duly sworn,
did depose and say	that (he)(she) resides at	(Street Address)	,
(City and State)		; that (he)(she) is	of
		, a	corporation

described in and which executed the above Designation; that (he)(she) knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed to said instrument by order of the Board of Directors of said corporation; and that (he)(she) signed (his)(her) name thereto by like order.

[If the corporation has no seal, set forth such fact. If the corporation is not yet organized, use the "Acknowledgment (Individuals)" form.]

NOTARY PUBLIC

ACKNOWLEDGMENT (PARTNERSHIP, TRUST, ASSOCIATION OR OTHER ENTITY)

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STATE OF)	
COUNTY OF	: SS)	
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and depose and say in	at (he)(she) resides at	Street Address)
(City and State)		; that (he)(she) is a of
(Chif Bhu State)		. a
(Name of Entity)		, 2 (Nature of Entity)
of the (State)(Province	e)(Commonwealth) of _	(now in existence adividually and as such (general partner)(trustee)
(being organized)(not	yet in existence) and in	dividually and as such (general partner)(trustee)
executed the foregoin	B Designation for the p) and general agent thereof who urposes therein set forth, and who duly acknowled
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		NOTARY PUBLIC
	ACKNOWLEDGMI	ENT (INDIVIDUALS)
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COUNTY OF	: SS	
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NOTARY PUBLIC

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COUNTY OF)		
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COUNTY OF)		
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(Reproduce foregoing acknowledgment forms if additional ones are needed.)