

**Contract Drafting Questionnaire:**

1. What kind of contract/agreement are you seeking to have prepared?
2. What is the name of your company and any d/b/a you are operating under?
3. Under which state's laws has your company has been formed?
4. What is the address of your company's principal place of business?
5. What is the name of the intended individual/company and any d/b/a you plan to conduct business with?
6. Under which state's laws has that company has been formed?
7. What is the address of the intended company's principal place of business?
8. Tell me a little about your company (general background on what you do).
9. What services are to be performed?
10. How (hourly, flat fee, et cetera) and when will the services be paid (per job, monthly, et cetera)?
11. Are licenses or permits required for the work that will perform?
12. If any intellectual property is to be created by the agreement, who will that intellectual property be owned by?
13. Is there any additional information we should know prior to executing this agreement on your behalf?

**From:** Property manager

**Sent:** Thursday, August 13, 2009 4:23 PM

**To:** buyers lawyer

**Cc:** BROKRT

**Subject:** RE: What you asked me about the building

**Attachments:** building 5th Amendment.pdf

Tina, the financials are still being revised (this answers your first question)

1. The reserve fund was reduced by approximately \$100,000 in 2008 as it was spent on an exterior capital project. The front façade of the building was re-pointed 100%, the side yard was re-paved, various bricks were replaced, and metal work was repainted.
2. As of today, the building has \$35,373.31 in the operating account and \$5,307.77 in the reserve account.
3. As of this time, we are completing the replacement of the building bulkhead and will repaint the hallways. This should run the balance of the operating account down.
4. The maintenance roll shows \$611.89. There have been no discussions about a maintenance increase or assessment at this time.
5. At this time sublets are allowed with Board Approval. The Coop not established a fee for subletting.
6. I don't think the building allows pets.
7. The sponsor has 5 units, is current on their financial obligations, has no vacants or units on the market. The RVM on the sponsor units flows negative.
8. The coop is not involved in any lawsuits.
9. There have been leaks associated with the bulkhead replacement; these should be corrected once complete. I am not aware of 4A having any leaks.
10. The 5<sup>th</sup> Ammendment to the offering plan is attached.
11. I am not aware of any major violations at the building.

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**From:** buyers lawyer

**Sent:** Thursday, August 13, 2009 3:53 PM

**To:** building property management

**Subject:** RE: building offering plan and financials download site

Mr. Property Manager, I represent the prospective Purchaser of Apt. 4A. I'm hoping you can answer the following questions for me:

1. The 07 financials showed a reserve fund in excess of \$150K. The 08 draft financials show that the reserve fund is reduced, but do not see where the monies went, as all expenses were pretty much the same as the prior year. Can you tell me how the approx. \$100K is accounted for? (unless I'm missing something....which is possible)
2. What is the current reserve fund?
3. Mr. Pompilj sent me a engineer's inspection of the building, which shows that the building needs many repairs (Copy attached). Can you tell me what capital projects are on the horizon? How does the co-op plan to pay for them? Do you know what the approx cost is?
4. Can you please confirm the maintenance amount for apartment 4A. Is there any planned maintenance increase or assessment at this time?

5. Can you please forward to me a copy of the board package and the sublet package. While my client does not intend to sublet the Unit, for our records, we would like to know what the policy is.
6. What is the pet policy?
7. How many sponsor/investor apartments are remaining? Can you tell me if the sponsor is current? Does rent exceed maintenance? Any vacancies? Are any of those apartments on the market?
8. Is the co-op involved in any lawsuits?
9. Have there been any water leak/penetration problems with the building? Any specific to 4-A?
10. What are current accounts payable?
11. How many shareholders are in arrears of more than one month?
12. Are you aware of any complaints specific to 4A or from 4A?
13. Is there any amendment after the 4<sup>th</sup> amendment to the OP? Can you please send it/them to me?
14. Are there any major violations against the building?

Thanks so much.

Tina, **Esq.**  
Buyers Lawyer

Dear Tina, the building manager reads us in copy.  
The default policy is that board minutes are kept at the management office (in White Plains) I will ask the other members of the board if they would consider keeping a copy of the minutes somewhere in Manhattan and for the time being allow to email them to you.

Thanks  
Guido

Ps) Dear All, as you know I am selling unit 4A . Prospect buyers reasonably want to read the minutes of the board prior to committing to



the purchase. Having to go to the management office out of town slows tremendously the process. I have another prospect who has not found the time yet to go read the minutes so that this issue is hindering my sales efforts. I would like to ask that a copy of the minutes be kept by one of the board members in our building ;

I think it is always ok to email the minutes to the attorney of prospect purchasers.

Thank you for your attention to this request.

Guido

**Guido Pompilj**

*Managing Partner*

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***Member REBNY***

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**From:** buyers lawyer  
**Sent:** Tuesday, August 11, 2009 1:26 PM  
**To:** 'guido@vendesil'  
**Subject:** RE: offering plan and financials download site

Guido, can you tell me who at the managing agent I can speak with regarding board minutes? I'm hoping they can email them to me. Thanks.

**From:** guido@vendesil [mailto:guido@vendesil.com]  
**Sent:** Friday, August 07, 2009 10:33 PM  
**To:** buyer's lawyer  
**Subject:** offering plan and financials download site

Dear Tina,

*Vivaldi Real Estate, ltd*

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*New York, New York 10111*

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You should have already been notified of the address where from to download the offering plan and financials relative to 999 East 99, any way you should just follow this link and be able to download all the material in few minutes; alternatively I can print the files and send the hard copy to your office

<http://mbf.cc/704y>

feel free to call me any time at my cellular 917 415 0087 for any clarification.

Best regards,  
Guido Pompilj

**Guido Pompilj**

*Managing Partner*

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