

**TWENTY-NINTH AMENDMENT TO OFFERING PLAN**  
**for**  
**27 NORTH CENTRAL AVENUE**  
**HARTSDALE, NEW YORK**

The purpose of this Twenty-Ninth Amendment is to modify and supplement the Offering Plan -- A Plan to Convert to Co-operative Ownership premises located at 27-47 North Central Avenue, Hartsdale, New York, dated March 15, 1982, as amended by the filing of twenty-eight prior amendments.

The Plan is hereby amended as follows:

**1. Extension of Offering.** The term of the offering made by the Plan is hereby extended for an additional twelve (12) month period commencing on the date this Twenty-Ninth Amendment is accepted for filing by the Department of Law.

**2. Financial Disclosure.** The following information is provided in accordance with the regulations of the Attorney General of the State of New York:

(a) The following is a list of the outstanding unsold shares of the Apartment Corporation and the units to which such unsold shares are allocated. All unsold shares are held by Dale Estates, LLC ("Sponsor").

<u>Apartment</u>	<u>Shares</u>
3-A	566
4-C	359
6-C	365
5-D	467
6-E	475
1-G	350
3-G	464
4-H	469
5-H	472
3-I	461
3-J	356
5-J	362
4-L	569
Total Units      13	Total Shares      5,735

(b) The aggregate monthly maintenance payments for all shares owned by the Sponsor or holders of unsold shares is \$15,220.49.

(c) The aggregate monthly rents received from tenants of all units owned by the Sponsor or holders of unsold shares is \$15,779.60.

(d) The Sponsor or holders of unsold shares have no financial obligations to the Apartment Corporation which will become due within twelve months from the date of this amendment, other than payment of maintenance.

(e) None of the unsold shares has been pledged as collateral for any loan or otherwise represents security for financing arrangements.

(t) The maintenance payments due from Sponsor or holders of unsold shares are funded by the monthly rents received from tenants of units owned by Sponsor or holders of unsold shares or if insufficient, from sales of units or other assets of Sponsor or holders of unsold shares or by capital calls on each of the holders of Unsold Shares to cover any shortfalls between rental income received and maintenance owed to the Corporation, or other costs associated with the units owned by the holders of Unsold Shares.

(g) The Sponsor and holders of unsold shares are current on all financial obligations under the Plan. Sponsor and holders of unsold shares were current on all such obligations during the year prior to the filing of this amendment, and since the filing of the last amendment.

(h) Sponsor or principals of Sponsor, as individual holders of unsold shares or as general partner or principal of Sponsor, own more than ten (10%) per cent of the shares of the following buildings which have been converted to cooperative or condominium ownership:

31 Pondfield Road, Bronxville, New York  
File No. C84-0117

17 North Chatsworth Avenue, Larchmont, New York-  
File No. C81-0158

324 East 35th Street, New York, New York-  
File No. C85-0459

319 East 73rd Street, New York, New York -  
File No. C85-0758

The offering plans for these buildings are on file with the Department of Law and are available for public inspection.

(i) The Sponsor, principals of Sponsor and holders of unsold shares, as individual holders

of unsold shares or as general partner or principal of the Sponsor, are current in their financial obligations in other cooperatives, condominiums or homeowners associations in which they own shares or units as an individual, general partner or principal.

G) The Sponsor relinquished control of the Board of Directors on May 18, 1988. As of January 1, 2022, the total of unsold shares held by the Sponsor aggregates 17.5% of the outstanding shares of the Corporation.

3. **Maintenance.** By resolution of the Board of Directors of the Corporation adopted at a meeting duly held November 1, 2021, after reviewing a projected budget of building operations for the calendar year 2022, the per share monthly maintenance was fixed at \$2.440, representing a 4% increase above the prior year.

4. **Election of Officers and Directors.** At the annual meeting of the shareholders of the Corporation held via Zoom, followed by a meeting of the Directors, both duly held on November 30, 2021, the following were elected as Directors and Officers of the Corporation:

Girolamo Rosi	President and Director
Jeremy Ingpen	Treasurer and Director
Judith Hoffman	Secretary and Director
*Nancy Heller	Director
Robert Orlofsky	Assistant Vice President
Lawrence Cetrone	Assistant Secretary
Lisa Frezzo	Assistant Secretary
Josephine Vieni	Assistant Secretary

\*Sponsor designee

5. **Financial Statements.** The financial statements for Hartsdale Gardens Owners Corp. Inc. for the years ended December 31, 2019 and December 31, 2020, prepared by Bloom and Streit, LLP, Certified Public Accountants, are attached hereto as Exhibit A.

6. **Budget.** Attached hereto as Exhibit B are the budgets for the fiscal year ending December 31, 2022, prepared by the Apartment Corporation's accountant and adopted by the Board of Directors. This budget is contained herein for informational purposes only, and the Sponsor, principals of Sponsor or holders of unsold shares do not in any way adopt such budget as their own or make any representation as to the adequacy, accuracy or completeness of same or any item shown therein and none should be implied. Robert Orlofsky as agent for the Sponsor, principals of Sponsor and holders of unsold shares has reviewed the budget and has no knowledge of any matter which would render the budget materially incorrect; however, Robert Orlofsky as such agent has not prepared the budget and has not independently verified the information or estimates contained therein.

7. **No Smoking In Apartment Policy .** On March 4, 2021 the Board of the Corporation adopted a policy annexed as Exhibit C whereby the transfer of shares to a prospective purchaser and assignment of a proprietary lease will not be approved unless such prospective purchaser shall execute the Hartsdale Gardens No Smoking In Apartment Agreement, confirming they will not smoke within their apartment. This No Smoking In Apartment Agreement deems smoking within a unit by a party to such agreement a material default under the shareholder's Proprietary Lease. A violation of this nature will entitle Hartsdale Gardens Owner's Corp., in its sole discretion, to the following non-exclusive remedies: (a) rescission of its approval of the transfer to the party to the agreement, regardless of when such violation may occur, (b) repossession of the Apartment through summary proceedings or other judicial process following such rescission, (c) to impose a fine of up to \$250 for each violation, (d) to obtain an injunction prohibiting any future violation of this Agreement, and (e) to pursue any other and different remedy as the law may allow to enforce the provisions of the agreement. Further, the Hartsdale Gardens Owners Corp. shall be entitled to recover all costs of proceeding, including but not limited to its attorney's fees. Although smoking within the confines of a shareholder's apartment is not prohibited, the Corporation reserved its right to require reasonable accommodations from any smoker to prevent the migration of secondhand smoke and odors from entering into the apartments of other shareholders or the common areas of the building. To the extent the Corporation exercises its right to restrict sales to implement the Smoking Policy in the future, in addition to such disclosure as may appear with respect to smoking in the House Rules, as the same may be amended, any such requirement with respect to restrictions on sales will be disclosed in Sponsor's Contract of Sale.
8. **Capital Projects.** In 2021, the Hartsdale Gardens Owners Corp. rebuilt the gas system, located in the basement, and which serves all 74 apartments within the building. Additionally, during that same year, the laundry room, also located in the basement, was also rebuilt. The cost of such repairs and upgrades was \$275,000, which was paid from the Corporation's Reserve Fund.
9. **Change of Address for Sponsor and Sponsor's Attorney.** The offices of Sponsor and Sponsor's attorney, Peck & Heller, are now located at 1526A Union Turnpike, New Hyde Park, New York, 11040. Sponsor also maintains an office with the Selling Agent, Robert Orlofsky Realty, Inc., 7 Bryant Crescent, #1-C, White Plains, New York, 10605.
10. **Price Changes.** The price for blocks of shares allocated to apartments is generally increased as follows:

<u>Apartment Line</u>	<u>Total Price Per Unit</u>
D/E/G/H/I	\$310,000.00

The increase in the amount of the total offering price as a result of the foregoing is \$245,000.00. The foregoing asking prices are negotiable and subject to change in accordance with the Plan. The asking price does not include a purchaser's closing costs.

**11. No Other Material Changes in Plan.** There have been no material changes in the Plan, except as set forth in this Twenty-Ninth Amendment. The Plan, as amended hereby, does not knowingly omit any material fact or knowingly contain any untrue statement of any material fact.

Dated: March 14, 2022

DALE ESTATES, LLC  
Sponsor

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**HARTSDALE GARDENS OWNERS CORP.**

**FINANCIAL STATEMENTS**

**DECEMBER 31, 2020 AND 2019**

**HARTSDALE GARDENS OWNERS CORP.**

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**DECEMBER 31, 2020 AND 2019**

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ROGER BERMAN, CPA  
WILLIAM J. RANK, CPA, CFP  
MARK COHEN, CPA  
LORI LERMAN, CPA

## INDEPENDENT AUDITORS' REPORT

### **To the Board HARTSDALE GARDENS OWNERS CORP.**

We have audited the accompanying financial statements of Hartsdale Gardens Owners Corp., which comprise the balance sheets as of December 31, 2020 and 2019, and the related statements of (loss) income, retained earnings (deficit), and cash flows for the years then ended, and the related notes to the financial statements.

#### ***Management's Responsibility for the Financial Statements***

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

#### ***Auditors' Responsibility***

Our responsibility is to express an opinion on these financial statements based on our audits. We conducted our audits in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audits to obtain reasonable assurance about whether the financial statements are free of material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditors' judgement, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditors consider internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

***Opinion***

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of Hartsdale Gardens Owners Corp., as of December 31, 2020 and 2019, and the results of their operations and their cash flows for the years then ended in accordance with accounting principles generally accepted in the United States of America.

***Emphasis of Matter***

As discussed in Note 12, the entity has not estimated the remaining lives and replacement costs of the common property and, therefore, has not presented information about the estimates of future costs of major repairs and replacements that will be required in the future that accounting principles generally accepted in the United States of America has determined is required to supplement, although not required to be a part of, the basic financial statements. Such missing information, although not a part of the basic financial statements, is required by the Financial Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. Our opinion on the basic financial statements is not affected by this missing information.

*Bloom and Streit LLP*

**BLOOM AND STREIT LLP**  
**Certified Public Accountants**  
**February 21, 2021**

# HARTSDALE GARDENS OWNERS CORP.

## Balance Sheets

As of December 31,

	<u>2020</u>	<u>2019</u>
<b>ASSETS</b>		
<b>CURRENT ASSETS</b>		
Cash in Operating Account	17,600	19,998
Cash in Bank - Money Market Accounts	102,881	185,868
Investments - Certificates of Deposit	483,890	446,295
Tenants' Accounts Receivable	8,294	2,330
Mortgage Escrow Deposits	192,351	166,953
Prepaid Expenses	10,323	12,505
Total	<u>815,339</u>	<u>833,949</u>
Less: Allocated to Funds (see below)	<u>(584,776)</u>	<u>(629,181)</u>
<b>Total Current Assets</b>	<u>230,563</u>	<u>204,768</u>
<b>FUNDS</b>		
Contingency Reserve:		
Reserve for Replacements (see above)	<u>584,776</u>	<u>629,181</u>
<b>PROPERTY AND EQUIPMENT -</b>		
<b>Net Book Value</b>	<u>1,867,424</u>	<u>1,930,777</u>
<b>OTHER ASSETS</b>		
Investment in National Cooperative Bank	<u>8,070</u>	<u>8,070</u>
<b>Total Other Assets</b>	<u>8,070</u>	<u>8,070</u>
<b>TOTAL ASSETS</b>	<u><u>2,690,833</u></u>	<u><u>2,772,796</u></u>

20202019**LIABILITIES AND STOCKHOLDERS' DEFICIT****CURRENT LIABILITIES**

Accounts Payable	19,841	16,459
Accrued Interest	11,224	11,477
Star Credit Due to Stockholders	17,664	18,325
Rents Received in Advance	3,629	5,390
Security Deposits	16,104	22,944
Mortgage Payable - Amortization payments due within one year	<u>79,977</u>	<u>76,563</u>
<b>Total Current Liabilities</b>	<u>148,439</u>	<u>151,158</u>

**LONG-TERM LIABILITIES**

First Mortgage Payable - Net of Payments due within one year	3,314,321	3,394,298
Less: Unamortized Debt Issuance Costs	<u>(35,671)</u>	<u>(42,926)</u>
<b>Total Long-Term Liabilities</b>	<u>3,278,650</u>	<u>3,351,372</u>

**STOCKHOLDERS' DEFICIT**

Common Stock \$1.00 par value; 33,137 shares authorized; issued and outstanding	33,137	33,137
Paid-in Capital	3,636,536	3,636,536
Retained Earnings (Deficit)	<u>(4,405,929)</u>	<u>(4,399,407)</u>
<b>Total Stockholders' Deficit</b>	<u>(736,256)</u>	<u>(729,734)</u>

**TOTAL LIABILITIES AND STOCKHOLDERS'  
DEFICIT**2,690,833      2,772,796*See accompanying notes and auditors' report*

# HARTSDALE GARDENS OWNERS CORP.

## Statements of (Loss) Income

For the Year Ended December 31,

	<u>2020</u>	<u>2019</u>
<b>INCOME</b>		
Carrying Charges - Net Uncollectable Charges	963,109	924,757
Parking Income	59,081	59,378
Rental Income	42,323	61,190
Laundry Room Income	11,100	11,100
Storage Income	7,310	7,612
Interest/Dividend Income	10,455	9,662
Real Estate Tax Refund	0	51,768
Miscellaneous Income	85	968
<b>Total Income</b>	<u>1,093,463</u>	<u>1,126,435</u>
<b>EXPENSES</b>		
Administrative Expenses	52,642	52,955
Maintenance Expenses	303,926	263,004
Utilities Expenses	132,293	140,254
Taxes and Insurance Expenses	392,226	438,477
Financial Expenses	133,890	136,453
Interest Expense - Debt Issuance Costs	7,255	7,255
<b>Total Expenses Before Depreciation</b>	<u>1,022,232</u>	<u>1,038,398</u>
<b>NET INCOME BEFORE DEPRECIATION</b>	71,231	88,037
Depreciation	<u>(77,753)</u>	<u>(77,753)</u>
<b>NET (LOSS) INCOME FOR THE YEAR</b>	<u>(6,522)</u>	<u>10,284</u>

*See accompanying notes and auditors' report*

**HARTSDALE GARDENS OWNERS CORP.**

**Statements of Retained Earnings (Deficit)**

**For the Year Ended December 31,**

	<u>2020</u>	<u>2019</u>
<b>RETAINED EARNINGS (DEFICIT) - Beginning of Year</b>	(4,399,407)	(4,409,691)
Net (Loss) Income for the Year	<u>(6,522)</u>	<u>10,284</u>
<b>RETAINED EARNINGS (DEFICIT) - End of Year</b>	<u>(4,405,929)</u>	<u>(4,399,407)</u>

*See accompanying notes and auditors' report*

# HARTSDALE GARDENS OWNERS CORP.

## Statements of Cash Flows

For the Year Ended December 31,

	<u>2020</u>	<u>2019</u>
<b>Cash Flows From Operating Activities</b>		
Net (Loss) Income	(6,522)	10,284
Adjustments to reconcile net (loss) income to net cash (used) provided by operating activities:		
Depreciation	77,753	77,753
Interest - Debt Issuance Costs	7,255	7,255
Revenue allocated to financing activities	(76,563)	(74,009)
Decrease (Increase) in operating assets:		
Tenants' Accounts Receivable	(5,964)	(643)
Mortgage Escrow Deposits	(25,398)	643
Prepaid Expenses	2,182	3,362
Increase (Decrease) in operating liabilities:		
Accounts Payable	3,382	(11,490)
Accrued Interest	(253)	(245)
Star Credit Due to Stockholders	(661)	(2,390)
Rents Received in Advance	(1,761)	2,774
Security Deposits	(6,840)	6,648
<b>Net cash (used) provided by operating activities</b>	<u>(33,390)</u>	<u>19,942</u>
<b>Cash Flows From Investing Activities</b>		
Purchase of Investments - Certificates of Deposit	(1,233,790)	(750,414)
Maturities of Investments - Certificates of Deposit	1,196,195	725,000
Purchase of Property and Equipment	(14,400)	0
<b>Net cash used by investing activities</b>	<u>(51,995)</u>	<u>(25,414)</u>
<b>Cash Flows From Financing Activities</b>		
Proceeds from Sale of Treasury Stock	0	159,573
Loss on Sale of Treasury Stock	0	(559)
Portion of Carrying Charges applied to Amortization of Mortgage	76,563	74,009
Amortization Payments on Mortgage	(76,563)	(74,009)
<b>Net cash provided by financing activities</b>	<u>0</u>	<u>159,014</u>
<b>(Decrease) Increase in Cash and Cash Equivalents (carryforward)</b>	<u>(85,385)</u>	<u>153,542</u>

*See accompanying notes and auditors' report*

# HARTSDALE GARDENS OWNERS CORP.

## Statements of Cash Flows

For the Year Ended December 31,

	<u>2020</u>	<u>2019</u>
<b>(Decrease) Increase in Cash and Cash Equivalents (brought forward)</b>	(85,385)	153,542
Cash and Cash Equivalents at Beginning of Year	<u>205,866</u>	<u>52,324</u>
<b>Cash and Cash Equivalents at End of Period (see below)</b>	<u><u>120,481</u></u>	<u><u>205,866</u></u>
<b>Represented by:</b>		
Cash in Operating Account	17,600	19,998
Cash in Bank - Money Market Accounts	<u>102,881</u>	<u>185,868</u>
<b>Cash and Cash Equivalents (as above)</b>	<u><u>120,481</u></u>	<u><u>205,866</u></u>
<b>Supplemental Disclosure:</b>		
Interest Paid	<u>134,143</u>	<u>136,698</u>
Taxes Paid	<u>3,300</u>	<u>3,300</u>

*See accompanying notes and auditors' report*



# HARTSDALE GARDENS OWNERS CORP.

## Notes to Financial Statements

December 31, 2020 and 2019

### Note 1

#### Organization

Hartsdale Gardens Owners Corp., a Cooperative Housing Corporation, was incorporated in the State of New York in February 1981. The cooperative owns and operates an apartment building located at 27 North Central Avenue, Hartsdale, New York, consisting of 73 residential units. The primary purpose of the cooperative is to manage the operations of the building and maintain the common elements.

### Note 2

#### Summary of Significant Accounting Policies

The financial statements have been presented 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. The guide describes conditions and procedures unique to the industry (including cooperative housing corporations and condominium associations) and illustrates the form and content of the financial statements of common interest realty associations as well as informative disclosures relating to such statements. In addition, the guide requires that all revenues from tenant-stockholders, including maintenance charges and special assessments, be recognized as revenue in the statements of (loss) income.

For purposes of the statements of cash flows, the cooperative considers all highly liquid debt instruments purchased with a maturity of three months or less to be cash equivalents

The cooperative classifies its marketable debt securities as "held to maturity" since it has the positive intent and ability to hold the securities to maturity. Securities classified as "held to maturity" are carried at amortized cost.

Tenant-stockholders are subject to monthly charges to provide funds for the cooperative's operating expenses, future capital acquisitions, and major repairs and replacements. Tenants' Accounts Receivable at the balance sheets date represent various fees due from tenant-stockholders. The cooperative's policy is to retain legal counsel and place liens on the shares of stock of tenant-stockholders whose assessments are delinquent. Any excess charges at year end are retained by the cooperative for use in the succeeding year.

# HARTSDALE GARDENS OWNERS CORP.

## Notes to Financial Statements

December 31, 2020 and 2019

### Note 2

#### Summary of Significant Accounting Policies - continued

Property and equipment is being carried at cost. Depreciation of the building is being computed by the straight line method over an estimated useful life of 30 years. Building improvements and equipment are depreciated on the straight line method over estimated lives that range from 15 to 27.5 years.

Costs incurred in obtaining long-term financing, included under mortgage payable on the balance sheets, are amortized on a straight-line basis, which approximates the effective interest method, over the terms of the related debt agreement. The amortization of these costs are being recognized as interest expense-debt issuance costs on the statements of (loss) income.

The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from those estimates.

The cooperative accounts for certain revenue items differently for financial reporting and income tax purposes. The principal differences are permanent in nature and relate to any portion of maintenance charges and special assessments allocated for mortgage amortization and capital improvements which are being accounted for as contributions to additional paid-in capital for income tax purposes whereas such items are recognized as revenue for financial reporting.

### Note 3

#### Concentration of Credit Risk

The cooperative maintains various bank and money market accounts that at times may exceed insured credit limits. The cooperative has not experienced any losses in such accounts and believes it is not exposed to any significant credit risk with respect to such balances. However, should any of these institutions fail, the cooperative could suffer a loss.

The cooperative has investments in money funds which are not bank deposits or F.D.I.C. insured and are not guaranteed by the brokerage house. These funds are subject to investment risks including possible loss of the principal amount invested.

# HARTSDALE GARDENS OWNERS CORP.

## Notes to Financial Statements

December 31, 2020 and 2019

### Note 4

#### Property and Equipment

Property and Equipment consists of the following:

	<u>2020</u>	<u>2019</u>
Land	858,440	858,440
Building	3,433,760	3,433,760
Building improvements	<u>2,356,123</u>	<u>2,341,723</u>
	6,648,323	6,633,923
Less: accumulated depreciation	<u>4,780,899</u>	<u>4,703,146</u>
Total Property and Equipment	<u>1,867,424</u>	<u>1,930,777</u>

Depreciation expense for the years ended December 31, 2020 and 2019 is \$77,753 each year.

### Note 5

#### Debt Service

##### First Mortgage Payable

On November 30, 2015, the cooperative refinanced their mortgage with NCB (National Cooperative Bank) in the amount of \$3,750,000. The mortgage is payable in monthly installments of \$17,559, including interest at the rate of 3.84% per annum, based on a 30 year amortization period. The note will mature November 1, 2025, at which time a balloon payment of approximately \$2,978,000 will be due.

In conjunction with the mortgage, the cooperative was required to purchase shares of NCB's Class B1 and B2 stock. Class B1 shares earn a patronage dividend payable in cash and in Class B2 stock, as determined by NCB. Class B1 shares are redeemable by NCB upon satisfactory repayment of all loans made to or guaranteed by eligible customers. Class B2 shares are non-redeemable, non-transferable, and pay no dividends. Additional shares were purchased during 2014 in order to draw on the line of credit and in 2015 to refinance. At December 31, 2020 and 2019, the cooperative owned 81 Class B1 shares each year and 534 and 399 Class B2 shares, respectively.

# HARTSDALE GARDENS OWNERS CORP.

## Notes to Financial Statements

December 31, 2020 and 2019

### Note 5

#### Debt Service - continued

Principal maturities of the mortgage are as follows:

2021	79,977
2022	83,147
2023	86,443
2024	89,525
2025	93,418
Thereafter	2,961,788

As part of the newer refinancing, the cooperative paid closing costs of approximately \$72,500, which are being amortized over the life of the mortgage.

### Note 6

#### Sponsor Ownership

At December 31, 2020 and 2019, the Sponsor owned 14 and 17 residential units, or approximately 19% and 23% of the total residential units, respectively. Carrying charges received from the Sponsor's residential units aggregated approximately \$180,000 and \$214,000 for the years ended December 31, 2020 and 2019, respectively. As of these dates, the Sponsor was current in the payment of carrying charges.

### Note 7

#### Treasury Stock

During the year ended December 31, 2017, the cooperative acquired the title to unit 37-6F. The financial statements reflected the treasury stock at cost in the amount of \$159,573 which included all the costs incurred to acquire these shares.

During the year ended December 31, 2019, the cooperative sold the title to unit 37-6F, and the respective shares. A loss of \$559 is included in paid-in capital as of December 31, 2019.

### Note 8

#### Carrying Charges

Pursuant to meetings of the Board of Directors, the cooperative approved an increase of 3% effective January 1, 2020. The increase was necessary to offset higher operating costs and to present a balanced budget.

# HARTSDALE GARDENS OWNERS CORP.

## Notes to Financial Statements

December 31, 2020 and 2019

**Note 9**

**Real Estate Taxes/Tax Abatements**

During the year ended December 31, 2017, the Town of Greenburgh revalued the property values. As a result of these revaluations, the cooperative's real estate taxes increased approximately 26% and 29% for the town and school taxes, respectively. The cooperative appealed the increase in their property valuation and certiorari proceedings resulted in refunds of approximately \$52,000 for the year ended December 31, 2019.

The cooperative is entitled to and has received tax abatements on behalf of its stockholders during 2020 and 2019. The abatements, which include Star, Veterans and Senior Citizens are passed on to the stockholders by direct payment or as a credit against carrying charges. Any undistributed abatements as of the fiscal year end have been included on the Balance Sheets in Current Liabilities as Star Credit Due to Stockholders. As the abatements benefit the stockholders, the real estate tax expense reflected in these financial statements is gross of all the aforementioned tax abatements.

**Note 10**

**Benefits**

The cooperative participated in the 32BJ North Pension Fund, Employer Identification Number 13-1819138, Plan 001, for the years ended December 31, 2020 and 2019. The cooperative participated in this multi-employer plan, for the years ended December 31, 2020 and 2019 under the terms of collective-bargaining agreements that cover its union represented employees. This collective bargaining agreement expires September 30, 2022 and the cooperative has no intention of withdrawing from the plan.

The risks of participating in multi-employer plans are different from single-employer plans for the following reasons: 1) assets contributed to the multi-employer plan by one employer may be used to provide benefits to employees of other participating employers, 2) if a participating employer stops contributing to the plan, the unfunded obligations of the plan may be borne by the remaining participating employers and 3) if the cooperative chooses to stop participating in its multi-employer pension plan, the cooperative may be required to pay the plan an amount based on the underfunded status of the plan, which is referred to as a withdrawal liability.

# HARTSDALE GARDENS OWNERS CORP.

## Notes to Financial Statements

December 31, 2020 and 2019

### Note 10

#### **Benefits - continued**

The zone status is based on information that the cooperative received from the plan and is certified by the plan's actuary. Plans in the red zone are generally less than 65 percent funded, plans in the yellow zone are less than 80 percent funded and plans in the green zone are at least 80 percent funded. The most recent Pension Protect Act (PPA) zone status available is for the plan's year-end beginning January 1, 2020 and 2019. The certified zone status for the plan for 2020 and 2019 was green and red, respectively. A rehabilitation plan was implemented for 2019 which involved a surcharge to the cooperative.

In addition to the Pension Fund, the cooperative also participated in a Health Fund for the years ended December 31, 2020 and 2019. The fund provides health benefits (medical, surgical, hospital, prescription drugs, behavioral health, optical, dental) and life insurance coverage for eligible participants and their covered dependents. Retired employees are eligible for health benefits if they retire before age 65, but after age 62; accumulated 15 combined years of pension service credit; worked both 90 days immediately before retirement and at least 36 months of the 60 months before retiring; and are receiving an early or regular retirement pension from the 32BJ North Pension Fund. These benefits continue for the retired employee and eligible dependents until they become eligible for Medicare, until age 65, or until the retiree's pension is suspended, whichever occurs first.

The cooperative made the following contributions to the plans:

	<u>2020</u>	<u>2019</u>
Pension Contributions	8,578	8,016
Health Contributions	38,136	36,816

The cooperative's contributions to the plan were not greater than 5% of the plan's total contributions.

### Note 11

#### **Income Taxes**

Federal income tax is computed pursuant to Subchapter T of the Internal Revenue Code. Under Subchapter T, income from non-patronage sources in excess of expenses properly attributable thereto may be subject to tax. The cooperative believes that all of its income is patronage sourced. Accordingly, no provisions for taxes, if any, that could result from the application of Subchapter T to the cooperative's income has been reflected in the accompanying financial statements.

# HARTSDALE GARDENS OWNERS CORP.

## Notes to Financial Statements

### December 31, 2020 and 2019

#### Note 11

##### **Income Taxes - continued**

New York State Franchise tax is calculated by utilizing special tax rates available to cooperative housing corporations based on the cooperative's capital base.

Losses incurred in years prior to 2018, may be carried forward for twenty years from the year incurred and may be used to offset 100% of taxable income. Due to a change in the tax law, federal net operating losses incurred in 2018 and thereafter may be carried forward indefinitely, but may only be used to offset 80% of taxable income each year. This law was subsequently modified under the CARES Act, which was enacted March 27, 2020. Under the CARES Act, the 80% taxable income limitation is delayed until years beginning after December 31, 2020. The 80% limitation will apply to any net operating loss arising in a year beginning after December 31, 2017 and deducted for a year beginning after December 31, 2020. Additionally, the Act provides that for losses arising in 2018, 2019 and 2020, such loss shall be a net operating loss carryback to each of the prior five taxable years. Additionally, as is the case under pre-2018 law, the taxpayer may make an election to waive the carryback and instead treat losses arising in these years as net operating loss carryovers.

As of December 31, 2020, the cooperative has available federal net operating loss carryforwards to apply to future taxable income of approximately \$1,415,000. These net operating loss carryforwards consist of carryforwards of approximately \$1,135,000 which expire beginning in 2021 and continuing through 2037 and carryforwards of approximately \$280,000 which were incurred in 2018 and thereafter. New York State substantially limits the use of these net operating loss carryforwards.

In accordance with accounting rules for uncertainty in income tax guidance, which clarifies the accounting and recognition for tax positions taken or expected to be taken in its income tax returns, the cooperative's tax filings are subject to audit by various taxing authorities. The cooperative's federal and state income tax returns for the last three years remain open to examination. In evaluating its tax provisions and accruals, the cooperative believes that its estimates are appropriate based on current facts and circumstances.

# HARTSDALE GARDENS OWNERS CORP.

## Notes to Financial Statements

December 31, 2020 and 2019

**Note 12**

**Future Major Repairs and Replacements**

The cooperative has not conducted a study to determine the remaining useful lives of the components of common property and current estimates of costs of major repairs and replacements that may be required in the future. When replacement funds are needed to meet future needs for major repairs and replacements, the cooperative may borrow, utilize available cash, increase carrying charges, pass special assessments or delay repairs and replacements until the funds are available. The effect on future assessments has not been determined at this time.

**Note 13**

**Subsequent Events**

Management has evaluated subsequent events through February 21, 2021, the date at which the financial statements became available for issuance. No events have occurred that would require adjustments to, or disclosure in, the financial statements.



**INDEPENDENT AUDITORS' REPORT  
ON SUPPLEMENTARY INFORMATION**

**To the Board  
HARTSDALE GARDENS OWNERS CORP.**

We have audited the financial statements of Hartsdale Gardens Owners Corp. as of and for the years ended December 31, 2020 and 2019, and our report thereon dated February 21, 2021, which expressed an unqualified opinion on those financial statements, appears on Page 1. Our audits were performed for the purpose of forming an opinion on the financial statements as a whole. The schedule of budget with actual operating amounts and detailed schedule of repairs and maintenance, which are the responsibility of the entity's management, are presented for purposes of additional analysis and are not a required part of the financial statements. Such information, except for the portion marked "unaudited" was derived from and relates directly to the underlying accounting and other records used to prepare the financial statements. That information has been subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, that information is fairly stated in all material respects in relation to the financial statements as a whole. The information marked "unaudited" has not been subjected to the auditing procedures applied in the audit of the financial statements and, accordingly, we do not express an opinion or provide any assurance on it.

*Bloom and Streit LLP*

**BLOOM AND STREIT LLP  
Certified Public Accountants  
February 21, 2021**

## HARTSDALE GARDENS OWNERS CORP.

### Schedule of Budget with Actual Operating Amounts

	<b>Budget</b>	<b>Actual</b>	<b>Actual</b>
	<b>Year Ended</b>	<b>Year Ended</b>	<b>Year Ended</b>
	<b><u>Dec. 31, 2020</u></b>	<b><u>Dec. 31, 2020</u></b>	<b><u>Dec. 31, 2019</u></b>
	<b>(Unaudited)</b>		
<b>RECEIPTS</b>			
Carrying Charges	963,109	963,109	924,757
Parking Income	59,000	59,081	59,378
Rental Income	48,000	42,323	61,190
Laundry Room Income	11,100	11,100	11,100
Storage Income	8,000	7,310	7,612
Interest and Dividend income	10,000	10,455	9,662
Miscellaneous Income	1,000	85	968
<b>Total Receipts</b>	<b>1,100,209</b>	<b>1,093,463</b>	<b>1,074,667</b>
<b>EXPENDITURES</b>			
<b>ADMINISTRATIVE EXPENSES</b>			
Management Fee	30,000	30,000	30,000
Legal Expense	1,500	1,350	1,989
Auditing	9,000	9,000	9,000
Telephone and Beeper	3,000	3,160	3,422
Lease Commissions	0	1,900	0
Office and Administrative Expenses	8,256	7,232	8,544
<b>Total Administrative Expenses</b>	<b>51,756</b>	<b>52,642</b>	<b>52,955</b>
<b>MAINTENANCE EXPENSES</b>			
Super and Maintenance Payroll	135,000	138,066	128,580
Supplies	16,000	16,502	13,816
Repairs (see schedule)	60,000	59,919	53,268
Major Repairs	36,000	35,186	0
Elevator Maintenance	15,000	15,430	15,795
Landscaping and Tree Work	30,000	27,772	32,830
Snow Removal	10,000	5,988	9,288
Exterminating	5,500	5,063	5,419
Security Expense	0	0	4,008
<b>Total Maintenance Expenses</b>	<b>307,500</b>	<b>303,926</b>	<b>263,004</b>
<b>UTILITIES EXPENSES</b>			
Gas Heat and Fuel Oil	78,000	76,392	78,730
Electricity and Gas	23,000	22,286	27,446
Water	35,000	33,615	34,078
<b>Total Utilities Expenses</b>	<b>136,000</b>	<b>132,293</b>	<b>140,254</b>

*See auditors' report on supplementary information*

# HARTSDALE GARDENS OWNERS CORP.

## Schedule of Budget with Actual Operating Amounts

	<b>Budget Year Ended Dec. 31, 2020 (Unaudited)</b>	<b>Actual Year Ended Dec. 31, 2020</b>	<b>Actual Year Ended Dec. 31, 2019</b>
<b>TAXES AND INSURANCE</b>			
Real Estate Taxes	276,000	275,607	320,457
Payroll Taxes	10,000	10,785	10,057
Licenses and Permits	500	0	225
Insurance	56,000	53,886	57,757
Union Welfare and Pension Fund	48,500	48,648	46,681
NYS Franchise Taxes	3,500	3,300	3,300
<b>Total Taxes and Insurance</b>	<u>394,500</u>	<u>392,226</u>	<u>438,477</u>
<b>FINANCIAL EXPENSES</b>			
Interest on Mortgage	133,890	133,890	136,453
<b>Total Financial Expenses</b>	<u>133,890</u>	<u>133,890</u>	<u>136,453</u>
<b>CONTRIBUTIONS TO EQUITY</b>			
Amortization of Mortgage	76,563	76,563	74,009
<b>Total Contributions to Equity</b>	<u>76,563</u>	<u>76,563</u>	<u>74,009</u>
<b>Total Expenditures</b>	<u>1,100,209</u>	<u>1,091,540</u>	<u>1,105,152</u>
<b>NET SURPLUS (DEFICIT) FOR THE YEAR</b>	<u>0</u>	<u>1,923</u>	<u>(30,485)</u>

*See auditors' report on supplementary information*

# HARTSDALE GARDENS OWNERS CORP.

## Detailed Schedule of Repairs and Maintenance

For the Year Ended December 31,

	<u>2020</u>	<u>2019</u>
<b>REPAIRS AND MAINTENANCE</b>		
Boiler and Burners	1,429	5,159
Plumbing and Pipes	26,294	11,159
Electrical and Intercoms	4,677	10,602
Painting, Plastering and Carpentry Work	16,409	8,045
Roofing and Waterproofing	6,632	1,326
Locks, Doors and Equipment	0	4,905
Paving	0	9,143
General	4,478	2,929
<b>Total Repairs and Maintenance</b>	<u>59,919</u>	<u>53,268</u>

*See auditors' report on supplementary information*



**HARTSDALE GARDENS OWNERS CORP.  
OPERATING BUDGET  
FOR THE YEAR ENDED DECEMBER 31,**

**(APPROVED)  
2022**

**RECEIPTS**

CARRYING CHARGES	1,011,649	
PARKING INCOME	59,000	
RENTAL INCOME	29,400	
LAUNDRY ROOM INCOME	11,100	
STORAGE UNITS	7,000	
INTEREST/NCB DIVIDEND INCOME	10,000	
MISCELLANEOUS INCOME	1,000	
TOTAL RECEIPTS	1,129,149	1,129,149

**EXPENDITURES**

**ADMINISTRATIVE EXPENSES**

MANAGEMENT FEE	30,000	
LEGAL EXPENSES	1,000	
AUDITING	9,000	
TELEPHONE AND BEEPER	3,500	
LEASE COMMISSIONS	0	
OFFICE AND ADMIN EXPENSES	8,718	
TOTAL ADMINISTRATIVE EXPENSES	52,218	52,218

**MAINTENANCE EXPENSES**

PAYROLL	132,000	
SUPPLIES	20,000	
REPAIRS AND MAINTENANCE	60,000	
MAJOR REPAIRS - STUDY/DOORS	0	
ELEVATOR MAINTENANCE	15,000	
LANDSCAPING AND TREE SERVICE	36,000	
SNOW REMOVAL	15,000	
EXTERMINATING SERVICES	6,000	
SECURITY SERVICES	3,500	
TOTAL MAINTENANCE EXPENSES	287,500	287,500

**UTILITIES EXPENSES**

GAS HEAT	92,000	
ELECTRICITY AND GAS	26,000	
WATER	37,000	
TOTAL UTILITIES EXPENSES	155,000	155,000

**HARTSDALE GARDENS OWNERS CORP.  
OPERATING BUDGET  
FOR THE YEAR ENDED DECEMBER 31,**

**(APPROVED)  
2022**

**TAXES AND INSURANCE**

REAL ESTATE TAXES	282,000	
PAYROLL TAXES	10,500	
LICENSES AND PERMITS	500	
INSURANCE	61,000	
UNION WELFARE AND PENSION FUND	53,000	
FRANCHISE TAXES	<u>2,000</u>	
TOTAL TAXES AND INSURANCE		409,000

**FINANCIAL EXPENSES**

INTEREST ON MORTGAGE	<u>127,284</u>	
TOTAL FINANCIAL EXPENSES		127,284

**CONTRIBUTIONS TO EQUITY/RESERVES**

AMORTIZATION OF MORTGAGE	83,147	
CONTINGENCY RESERVE	<u>15,000</u>	
TOTAL CONTRIBUTIONS TO EQUITY		98,147

TOTAL EXPENDITURES	<u>1,129,149</u>	
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<b>NET SURPLUS (DEFICIT)</b>	<u><u>0</u></u>	
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**NOTES**

1. C.C. INCREASE - 4% '22





**NO SMOKING IN APARTMENT AGREEMENT**

WHEREAS, the undersigned \_\_\_\_\_, has/have requested that HARTSDALE GARDENS OWNERS CORP., approve the transfer of shares and assignment of Proprietary Lease relating to the apartment located at \_\_\_\_\_ (the "Apartment") from \_\_\_\_\_ to the undersigned, and

WHEREAS, the undersigned is/are aware that the policy of Hartsdale Gardens Owners Corp., is to ultimately, make the buildings at the premises of Hartsdale Gardens Owners Corp. an entirely smoke-free environment, and that in furtherance of this policy, at its meeting on March 4, 2021, the Board of Directors of Hartsdale Gardens Owners Corp. passed the following resolution:

"RESOLVED, that is a matter of policy, the Board shall not approve an assignment of the Proprietary Lease or transfer of shares to a proposed Buyer unless such Buyer agrees in writing that there will be no smoking in the apartment", and

WHEREAS, pursuant to such policy, the Board of Directors is unwilling to approve the transfer of the shares and assignment of Proprietary Lease unless the undersigned agree/agrees to abide by the terms and conditions set forth herein, and

WHEREAS, in order to induce the Board of Directors to approve the aforesaid transfer of shares and assignment of Proprietary Lease to the undersigned, the undersigned hereby represents and agrees as follows:

1. At no time the undersigned engage in smoking in the Apartment or permit any occupants, visitors or any persons whatsoever, to engage in smoking in the Apartment.
2. Violation of the foregoing prohibition of smoking shall be tantamount to a violation of t the Proprietary Lease, and shall entitle Hartsdale Gardens Owners Corp., in its sole discretion, (a) rescind its approval of the transfer to the undersigned, regardless of when such violation may occur (b) to repossess the Apartment through summary proceedings or other judicial process following such recission, (c) to impose a fine of up to \$250 for each violation, (d) to obtain an injunction prohibiting any future violation of this Agreement, (e) and to pursue any other and different remedy as the law nay allow to enforce the provisions of this Agreement.  
The election of any one such remedy shall not preclude Hartsdale Gardens Owners Corp. from any other remedy. In the event, Hartsdale Gardens Owners Corp. shall pursue any of the foregoing remedies, it shall be entitled to recover all costs of proceeding, including but not limited to its attorney's fees.
3. This Agreement shall be binding upon the undersigned and his/her/their heirs, successors and assigns.

IN WITNESS WHEREOF, the undersigned has/have executed this Agreement this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Witness:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_