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August 13, 2018

To Whom It May Concern:

Re: New York State Sales and Use Tax Exemption
County of Sullivan Industrial Development Agency w/
EMPIRE RESORTS REAL ESTATE II, LLC
("Company")

Pursuant to TSB-M-87(7) issued by the New York State Department of Taxation and Finance on April 1, 1987, you have requested a letter from the County of Sullivan Industrial Development Agency ("Agency") containing the information required by said policy statement regarding the sales tax exemption of purchases, leases or rentals of building materials, furniture, fixtures, equipment and supplies to be used in connection with the acquisition, construction, installation and equipping of the following described project:

- (i) acquisition, construction, installation and equipping of a an approximately 69,000 square foot four-story building to include up to 105 rooms, mixed-use spaces including a coffee shop, a restaurant, and retail shops, and parking for up to 289 cars (the "EV Hotel"), situate on one (1) parcel of real estate consisting of approximately 22 acres located along Joyland Road and Thompsonville Road, Town of Thompson ("Town"), County of Sullivan ("County"), State and identified on the Town tax map as all or a portion of tax map number 23.-1-54.6 ("Land"); (ii) acquisition, construction and equipping of the EV Hotel Project; (iii) acquisition, construction and installation thereon and therein of certain furniture, fixtures, machinery, equipment and tools ("Equipment"); (iv) construction of improvements to the EV Hotel, the Land and the Equipment (collectively, the EV Hotel, the Land and the Equipment are referred to as the "Facility" or the "Project"); and (v) lease of the Project from the Agency to the Company.

On August 23, 2017, the Agency, a corporate governmental Agency constituting a body corporate and politic and a public benefit corporation and a governmental agency of the State of New York adopted a resolution whereby the Agency appointed the Company as its agent to acquire, construct, install and equip the Project.

This is to certify that purchases, leases or rentals by the Agency, through its agent, the Company, of materials to be incorporated into the Project and purchases, leases or rentals of

* This Sales Tax Exemption Letter shall not be used to abate sales tax on purchases of motor vehicles.


supplies, tools, equipment, or services necessary to acquire, construct, install and equip such Project are exempt from any sales or use tax imposed by the State of New York and any governmental instrumentality located within the State of New York.

It is further certified that since the Agency is a public benefit corporation, neither it, nor the Company as its agent, is required to furnish an "Exempt Organization Certificate" in order to secure exemption from sales or use tax for such items.

A copy of this letter retained by any vendor or seller to the Company as agent for the Agency, may be accepted by such vendor or seller as a "statement and additional documentary evidence of such exemption" as provided by New York Tax Law 1132(c)(2), thereby relieving such vendor or seller from the obligation to collect sales or use tax upon purchases or rentals of such materials, supplies, tools, equipment, or services by the Agency through its agent, the Company.

THIS LETTER SHALL BE IN EFFECT TO AND INCLUDING FEBRUARY 28, 2019.

County of Sullivan Industrial
Development Agency


By: Steve White, Chief Executive Officer

Expiring on February 28, 2019