In the Matter of the Petition

of

BENJAMIN AND BETTY FINKEL

AFFIDAVIT OF MAILING

For a Redetermination of a Deficiency or a Revision of a Determination or a Refund of Personal Income : Taxes under Article(a) 22 of the Tax Law for the Year(a) 22 1973 :

State of New York County of Albany

John Huhn

being duly sworn, deposes and says that he is an employee of the Department of Taxation and Finance, over 18 years of age, and that on the 16th day of June, 1978, who served the within Default Order by (certified) mail upon Benjamin & Betty

Finkel XXXXXXXXXXXXXXX the petitioner in the within proceeding,

by enclosing a true copy thereof in a securely sealed postpaid wrapper addressed

as follows: Benjamin & Betty Finkel 2000 Kings Highway Brooklyn, New York 11229

and by depositing same enclosed in a postpaid properly addressed wrapper in a (post office or official depository) under the exclusive care and custody of the United States Postal Service within the State of New York.

John Huhn

Sworn to before me this

16th day of June

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STATE OF NEW YORK DEPARTMENT OF TAXATION AND FINANCE ALBANY, NEW YORK 12227

BERTHLYNN J. DAVIS SECRETARY TO THE STATE TAX COMMISSION

June 16, 1978

Benjamin & Betty Finkel 2000 Kings Highway Brooklyn, New York 11229

Dear Mr. and Mrs. Finkel"

Please take notice of the Default Order of the State Tax Commission enclosed herewith.

Please take further notice that pursuant to Section(s) 690 of the Tax Law, any proceeding in court to review an adverse decision must be commenced within four months from the date of this notice.

Inquiries concerning the computation of tax due or refund allowed in accordance with this decision or concerning any other matter relative hereto may be addressed to the undersigned. They will be referred to the proper party for reply.

Very truly yours,

BERTHLYNN Y. DAVIS

SECRETARY TO THE STATE TAX COMMISSION

Enc.

cc: Petitioner's Representative:

Taxing Bureau's Representative:

In the Matter of the Petition

of BENJAMIN & BETTY FINKEL

DEFAULT ORDER

for Redetermination of Deficiency or for Refund of

Personal Income Taxes under Article(x) 22 of the

Tax Law for the year 1973

deficiency or for refund of

Petitioner(s) Benjamin & Betty Finkel, 2000 Kings Highway, Brooklyn,

Personal Income

New York 11229 filed a petition for redetermination of

taxes under

Article (sx) 22 of the Tax Law for the year 1973

File No. 19305

Now on motion of the attorney for the Department of Taxation and Finance, it is

ORDERED that the petition of Benjamin & Betty Finkel be and the same is hereby denied.

DATED: Albany, New York

June 16, 1978

STATE TAX COMMISSION

PRESIDENT

COMMISSIONER

COMMISSIONER