

NEW YORK MORTGAGE TRUST INC  
Form 8-K  
December 04, 2008

**SECURITIES AND EXCHANGE COMMISSION  
Washington, D.C. 20549**

**FORM 8-K**

**CURRENT REPORT  
Pursuant to Section 13 or 15(d)  
of the Securities Exchange Act of 1934**

**Date of Report (Date of earliest event reported): December 4, 2008**

**NEW YORK MORTGAGE TRUST, INC.  
(Exact name of registrant as specified in its charter)**

**Maryland**  
(State or other jurisdiction of  
incorporation)

**001-32216**  
(Commission File Number)

**47-0934168**  
(IRS Employer Identification No.)

**52 Vanderbilt Avenue, Suite 403  
New York, New York 10017**  
(Address and zip code of  
principal executive offices)

Registrant's telephone number, including area code: **(212) 792-0107**

Check the appropriate box below if the Form 8-K filing is intended to simultaneously satisfy the filing obligation of the registrant under any of the following provisions:

- Written communications pursuant to Rule 425 under the Securities Act (17 CFR 230.425)
  - Soliciting material pursuant to Rule 14a-12 under the Exchange Act (17 CFR 240.14a-12)
  - Pre-commencement communications pursuant to Rule 14d-2(b) under the Exchange Act (17 CFR 240.14d-2(b))
  - Pre-commencement communications pursuant to Rule 13e-4(c) under the Exchange Act (17 CFR 240.13e-4(c))
-

**Item 8.01. Other Events.**

On December 4, 2008, the Company announced that its Board of Directors (the “Board”) approved an exemption, effective November 25, 2008, from the ownership limitations contained in the Company’s charter, to permit Joseph A. Jolson to beneficially own (as defined in the charter) up to 25% of the aggregate value of the Company’s outstanding stock. Pursuant to the terms of the waiver, the Board reserved the right to revoke or modify the exemption granted to Mr. Jolson in order to prevent disqualification of the Company as a real estate investment trust for federal income tax purposes. Mr. Jolson currently serves as the Chairman and Chief Executive Officer of JMP Group, Inc.

---

**SIGNATURE**

Pursuant to the requirements of the Securities Exchange Act of 1934, as amended, the registrant has duly caused this report to be signed on its behalf by the undersigned thereunto duly authorized.

**NEW YORK MORTGAGE TRUST, INC.**  
**(Registrant)**

Date: December 4, 2008

By:

/s/ Steven R. Mumma  
Steven R. Mumma  
Chief Financial Officer