

NEW YORK MORTGAGE TRUST INC

Form 10-Q

November 08, 2013

**UNITED STATES**

**SECURITIES AND EXCHANGE COMMISSION**

**WASHINGTON, DC 20549**

**FORM 10-Q**

QUARTERLY REPORT PURSUANT TO SECTION 13 OR 15(d)  
OF THE SECURITIES EXCHANGE ACT OF 1934

For the quarterly period ended September 30, 2013

OR

TRANSITION REPORT PURSUANT TO SECTION 13 OR 15(d)  
OF THE SECURITIES EXCHANGE ACT OF 1934

For the transition period from \_\_\_\_\_ to \_\_\_\_\_

Commission file number 001-32216

**NEW YORK MORTGAGE TRUST, INC.**

(Exact Name of Registrant as Specified in Its Charter)

**Maryland** **47-0934168**  
(State or Other Jurisdiction of (I.R.S. Employer

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Incorporation or Organization) Identification No.)

**275 Madison Avenue, New York, New York 10016**

(Address of Principal Executive Office) (Zip Code)

**(212) 792-0107**

(Registrant's Telephone Number, Including Area Code)

Indicate by check mark whether the registrant (1) has filed all reports required to be filed by Section 13 or 15(d) of the Securities Exchange Act of 1934 during the preceding 12 months (or for such shorter period that the registrant was required to file such reports), and (2) has been subject to such filing requirements for the past 90 days.

Yes      No

Indicate by check mark whether the registrant has submitted electronically and posted on its corporate Web site, if any, every Interactive Data File required to be submitted and posted pursuant to Rule 405 of Regulation S-T (§ 232.405 of this chapter) during the preceding 12 months (or for such shorter period that the registrant was required to submit and post such files).

Yes      No

Indicate by check mark whether the registrant is a large accelerated filer, an accelerated filer, a non-accelerated filer, or a smaller reporting company. See definitions of "large accelerated filer," "accelerated filer" and "smaller reporting company" in Rule 12b-2 of the Exchange Act. (Check one):

Large Accelerated Filer   Accelerated Filer   Non-Accelerated Filer   Smaller Reporting Company

Indicate by check mark whether the registrant is a shell company (as defined in Rule 12b-2 of the Exchange Act).

Yes      No

The number of shares of the registrant's common stock, par value \$0.01 per share, outstanding on November 1, 2013 was 63,754,730.



**NEW YORK MORTGAGE TRUST, INC.**

**FORM 10-Q**

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**PART I. FINANCIAL INFORMATION****Item 1. Condensed Consolidated Financial Statements****NEW YORK MORTGAGE TRUST, INC. AND SUBSIDIARIES****CONDENSED CONSOLIDATED BALANCE SHEETS**

(Dollar amounts in thousands, except per share data)

	<b>September 30,  2013 (unaudited)</b>	<b>December 31,  2012</b>
<b>ASSETS</b>		
Investment securities available for sale, at fair value (including pledged securities of \$867,297 and \$954,656, respectively)	\$936,140	\$1,034,711
Investment securities available for sale, at fair value held in securitization trusts	86,714	71,159
Residential mortgage loans held in securitization trusts (net)	170,306	187,229
Distressed residential mortgage loans held in securitization trusts (net)	254,895	60,459
Multi-family loans held in securitization trusts, at fair value	6,668,608	5,442,906
Derivative assets	194,433	246,129
Cash and cash equivalents	20,509	31,777
Receivables and other assets	118,441	86,031
<b>Total Assets <sup>(1)</sup></b>	<b>\$8,450,046</b>	<b>\$7,160,401</b>
<b>LIABILITIES AND STOCKHOLDERS' EQUITY</b>		
<b>Liabilities:</b>		
Financing arrangements, portfolio investments	\$794,181	\$889,134
Residential collateralized debt obligations	164,775	180,979
Multi-family collateralized debt obligations, at fair value	6,472,278	5,319,573
Securitized debt	254,042	117,591
Derivative liabilities	5,613	5,542
Payable for securities purchased	186,062	245,931
Accrued expenses and other liabilities (including \$418 and \$211 to related parties, respectively)	50,412	34,645
Subordinated debentures	45,000	45,000

<b>Total liabilities</b> <sup>(1)</sup>	7,972,363	6,838,395
<b>Commitments and Contingencies</b>		
<b>Stockholders' Equity:</b>		
Preferred stock, \$0.01 par value, 7.75% Series B cumulative redeemable, \$25 liquidation preference per share, 3,450,000 shares authorized, 3,000,000 and 0 shares issued and outstanding as of September 30, 2013 and December 31, 2012, respectively	72,397	-
Common stock, \$0.01 par value, 400,000,000 shares authorized, 63,754,730 and 49,575,331 shares issued and outstanding as of September 30, 2013 and December 31, 2012, respectively	638	496
Additional paid-in capital	403,420	355,006
Accumulated other comprehensive income	7,144	18,088
Accumulated deficit	(5,916 )	(51,584 )
Total stockholders' equity	477,683	322,006
<b>Total Liabilities and Stockholders' Equity</b>	<b>\$8,450,046</b>	<b>\$7,160,401</b>

(1) Our condensed consolidated balance sheets include assets and liabilities of consolidated variable interest entities ("VIEs") as the Company is the primary beneficiary of these VIEs. As of September 30, 2013 and December 31, 2012, assets of consolidated VIEs totaled \$7,222,065 and \$5,786,569, respectively, and the liabilities of consolidated VIEs totaled \$6,915,904 and \$5,636,650, respectively. See Note 7 for further discussion.

See notes to condensed consolidated financial statements.

**NEW YORK MORTGAGE TRUST, INC. AND SUBSIDIARIES**

**CONDENSED CONSOLIDATED STATEMENTS OF OPERATIONS**

(Dollar amounts in thousands, except per share data)

(unaudited)

	<b>For the Three Months</b>		<b>For the Nine Months</b>	
	Ended September 30,		Ended September 30,	
	<b>2013</b>	<b>2012</b>	<b>2013</b>	<b>2012</b>
<b>INTEREST INCOME:</b>				
Investment securities and other	\$11,149	\$6,365	\$32,923	\$16,748
Multi-family loans held in securitization trusts	61,179	36,075	160,981	67,079
Residential mortgage loans held in securitization trusts	1,120	1,429	3,655	4,201
Distressed residential mortgage loans	3,421	-	7,410	-
Total interest income	76,869	43,869	204,969	88,028

**INTEREST EXPENSE:**