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## THE EQUITABLE LIFE MORTGAGE AND REALTY INVESTORS

Second Amended and Restated

Peclaration of Trust

As Executed on October 3, 1973

(Restating the Declaration of Trust dated as of September 15, 1970, as Amended and Restated as of October 28, 1970 and as Further Amended by Amendments dated November 4, 1970, March 2, 1972 and March 1, 1973)

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