

Faherty Affirmation

Exhibit # 64

Message

From: Gregory Candela [gregory.candela@db.com]
Sent: 1/8/2021 3:50:39 PM
To: Alan Garten [alan.garten@trumporg.com]
Subject: RE: October 29, 2020 Letter

Classification: Strictly Confidential

Alan,

I'm following up on the emails below. Will you please let me know when we can expect a response? Thank you.

Regards,



Gregory Candela
Director and Associate General Counsel

Deutsche Bank AG, Filiale New York
Legal
60 Wall Street, 10005-2836 New York, NY, USA
Tel. +1 212 250-5335
Mobile +1 914 525-1761
Email gregory.candela@db.com

From: Alan Garten [mailto:alan.garten@trumporg.com]
Sent: Wednesday, December 16, 2020 5:38 PM
To: Gregory Candela <gregory.candela@db.com>
Subject: RE: October 29, 2020 Letter

Thanks Greg. We are reviewing your email and hope to have a response within the next few days. Best, Alan

T R U M P
THE TRUMP ORGANIZATION

Alan Garten
Executive Vice President and Chief Legal Officer
725 Fifth Avenue | New York, NY | 10022
p. 212.836.3203 | f. 212.980.3821
agarten@trumporg.com | trump.com

From: Gregory Candela [mailto:gregory.candela@db.com]
Sent: Monday, December 14, 2020 9:26 AM
To: alan.garten@trumporg.com
Subject: RE: October 29, 2020 Letter

Classification: Strictly Confidential

Mr. Garten,

Your email to Greg Khost of December 7 (below) has been forwarded to me as legal counsel for Deutsche Bank.

As you know, Donald J. Trump is required under the terms of his loan guaranties to provide annual financial statements to Deutsche Bank and to ensure that those statements “are true and correct in all material respects.” See, e.g., Old Post Office (“OPO”) Guaranty Agreement, § 9(ix). This information is used by the Bank to assess the borrowers’ and Mr. Trump’s compliance with loan and guaranty covenants, as non-compliance with such covenants may result in an event of default. See, e.g., OPO Loan Agreement, § 7.1(b). Failure to provide accurate valuations of financial assets may fundamentally impact the Bank’s view of borrowers’ and Mr. Trump’s compliance with such covenants. Additionally, Mr. Trump must submit annually a signed certificate certifying, among other things, his compliance with covenants relating to his net worth, debt, and unencumbered liquid assets, and further certifying that his Statement of Financial Condition “presents fairly in all material aspects” his financial condition. See, e.g., Old Post Office Guaranty Agreement, Section 11(i)(D). The loan agreements and guaranties provide that an event of default occurs when “[a]ny representation or warranty of Borrower or Guarantor herein or in any other Loan Document or any amendment to any thereof shall prove to have been false or misleading in any material respect at the time made or intended to be effective.” See, e.g., OPO Loan Agreement, § 7.1(d).

As described in Mr. Khost’s letter of October 29, 2020, the Bank has identified relevant, publicly available information—including certain information filed in a court proceeding—raising concerns regarding the accuracy of certain representations made in Mr. Trump’s prior submissions to the Bank under the terms of his guaranties. Consistent with the Bank’s legal and contractual rights and its general practice, it is seeking further information from the Trump Organization to aid in its analysis of whether an event of default may have occurred with respect to such submissions and representations. We appreciate your prompt response to these matters.

Regards,

Greg Candela



Gregory Candela
Director and Associate General Counsel

Deutsche Bank AG, Filiale New York
Legal
60 Wall Street, 10005-2836 New York, NY, USA
Tel. +1 212 250-5335
Mobile +1 914 525-1761
Email gregory.candela@db.com

From: Alan Garten [<mailto:alan.garten@trumporg.com>]
Sent: Monday, December 07, 2020 6:54 PM
To: Greg Khost <greg.khost@db.com>
Subject: October 29, 2020 Letter

Dear Mr. Khost -

We are in receipt of your October 29, 2020 letter, addressed to Donald J. Trump, Jr., which only recently came to our attention when a courtesy copy was e-mailed to us by Gregory Candela. We had not seen it before.

Our company greatly values its relationship with Deutsche Bank and certainly wishes to cooperate with DB whenever possible. That said, we are unaware of anything that would require us to respond to an inquiry of this nature. If you are aware of any authority to the contrary, please let us know.

We look forward to our continued relationship with DB and we wish you a Happy Holiday season.

Best regards,

Alan Garten

T R U M P

THE TRUMP ORGANIZATION

Alan Garten
Executive Vice President
and Chief Legal Officer
725 Fifth Avenue | New
York, NY | 10022
p. 212.836.3203 | f.
212.980.3821
alan.garten@trumporg.com
| trump.com

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