

KUPFERBERG MAX L

Form 5

February 13, 2009

# FORM 5

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

OMB APPROVAL

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Check this box if no longer subject to Section 16. Form 4 or Form 5 obligations may continue. See Instruction 1(b).  
 Form 3 Holdings Reported Form 4 Transactions Reported

**ANNUAL STATEMENT OF CHANGES IN BENEFICIAL OWNERSHIP OF SECURITIES**

Filed pursuant to Section 16(a) of the Securities Exchange Act of 1934, Section 17(a) of the Public Utility Holding Company Act of 1935 or Section 30(h) of the Investment Company Act of 1940

1. Name and Address of Reporting Person \*  
**KUPFERBERG MAX L**

2. Issuer Name and Ticker or Trading Symbol  
**NEW YORK COMMUNITY BANCORP INC [NYB]**

5. Relationship of Reporting Person(s) to Issuer

(Check all applicable)

(Last) (First) (Middle)

3. Statement for Issuer's Fiscal Year Ended (Month/Day/Year)  
 12/31/2008

Director  10% Owner  
 Officer (give title below)  Other (specify below)

615 MERRICK AVENUE

(Street)

4. If Amendment, Date Original Filed(Month/Day/Year)

6. Individual or Joint/Group Reporting

(check applicable line)

WESTBURY, NY 11590

Form Filed by One Reporting Person  
 Form Filed by More than One Reporting Person

(City) (State) (Zip)

**Table I - Non-Derivative Securities Acquired, Disposed of, or Beneficially Owned**

1. Title of Security (Instr. 3)	2. Transaction Date (Month/Day/Year)	2A. Deemed Execution Date, if any (Month/Day/Year)	3. Transaction Code (Instr. 8)	4. Securities Acquired (A) or Disposed of (D) (Instr. 3, 4 and 5)	5. Amount of Securities Beneficially Owned at end of Issuer's Fiscal Year (Instr. 3 and 4)	6. Ownership Form: Direct (D) or Indirect (I) (Instr. 4)	7. Nature of Indirect Beneficial Ownership (Instr. 4)
Common Stock	03/25/2008	Â	W	62,221 D	\$ 0 0 <sup>(1)</sup>	I	As Administrator of HK IRA Rollover
Common Stock	05/21/2008	Â	J <sup>(2)</sup>	52,000 D	\$ 0 855,584	D	Â
Common Stock	05/21/2008	Â	J <sup>(2)</sup>	52,000 A	\$ 0 52,000	I	By Max Kupferberg

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										GRAT I
Common Stock	05/21/2008	Â	J <sup>(3)</sup>	52,000	D	\$ 0	199,389	I		By Spouse
Common Stock	05/21/2008	Â	J <sup>(3)</sup>	52,000	A	\$ 0	52,000	I		By Selma Kupferberg 2008 GRAT I
Common Stock	08/18/2008	Â	W	65,389	D	\$ 0	0 <sup>(4)</sup>	I		Trustee for JK NEM Trust
Common Stock	12/22/2008	Â	J <sup>(5)</sup>	80,000	D	\$ 0	775,584	D		Â
Common Stock	12/22/2008	Â	J <sup>(5)</sup>	80,000	A	\$ 0	80,000	I		By Max Kupferberg 2008 GRAT II
Common Stock	12/22/2008	Â	J <sup>(6)</sup>	80,000	D	\$ 0	119,389	I		By Spouse
Common Stock	12/22/2008	Â	J <sup>(6)</sup>	80,000	A	\$ 0	80,000	I		By Selma Kupferberg 2008 GRAT II
Common Stock	12/22/2008	Â	G	80,000	D	\$ 0	695,584	D		Â
Common Stock	Â	Â	Â	Â	Â	Â	536,377	I		As Partner
Common Stock	Â	Â	Â	Â	Â	Â	1,105,821	I		As shareholder of the Max K One LLC
Common Stock	Â	Â	Â	Â	Â	Â	185,777	I		By Kupferberg Foundation
Common Stock	Â	Â	Â	Â	Â	Â	97,288	I		Max & Selma Kupferberg Foundation
Common Stock	Â	Â	Â	Â	Â	Â	7,666	I		Trustee for EW of JK FBO LC
Common Stock	Â	Â	Â	Â	Â	Â	7,666	I		Trustee for EW of JK FBO MK
Common Stock	Â	Â	Â	Â	Â	Â	30,000	I		Trustee for GST
Common Stock	Â	Â	Â	Â	Â	Â	770,260	I		Trustee for KRT

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Reminder: Report on a separate line for each class of securities beneficially owned directly or indirectly.

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(9-02)

**Table II - Derivative Securities Acquired, Disposed of, or Beneficially Owned**  
(e.g., puts, calls, warrants, options, convertible securities)

1. Title of Derivative Security (Instr. 3)	2. Conversion or Exercise Price of Derivative Security	3. Transaction Date (Month/Day/Year)	3A. Deemed Execution Date, if any (Month/Day/Year)	4. Transaction Code (Instr. 8)	5. Number of Derivative Securities Acquired (A) or Disposed of (D) (Instr. 3, 4, and 5)	6. Date Exercisable and Expiration Date (Month/Day/Year)	7. Title and Amount of Underlying Securities (Instr. 3 and 4)
Stock Option (right to buy)	\$ 15.41	Â	Â	Â	Â Â	07/24/2002 <sup>(7)</sup> 01/24/2012	Common Stock 216,000
Stock Option (right to buy)	\$ 13.85	Â	Â	Â	Â Â	07/24/2003 <sup>(8)</sup> 07/24/2012	Common Stock 45,333

## Reporting Owners

Reporting Owner Name / Address	Relationships			
	Director	10% Owner	Officer	Other
KUPFERBERG MAX L 615 MERRICK AVENUE WESTBURY, NY 11590	Â X	Â	Â	Â

## Signatures

By: /s/ Ilene A. Angarola, Power of Attorney 02/13/2009

\_\_Signature of Reporting Person

Date

## Explanation of Responses:

\* If the form is filed by more than one reporting person, see Instruction 4(b)(v).

\*\* Intentional misstatements or omissions of facts constitute Federal Criminal Violations. See 18 U.S.C. 1001 and 15 U.S.C. 78ff(a).

(1) Disposition of shares due to the death of the beneficiary of the IRA.

(2) Since the reporting person's last report 52,000 shares previously held directly have been transferred and are now held by Max Kupferberg 2008 GRAT I.

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- (3) Since the reporting person's last report 52,000 shares previously held directly have been transferred and are now held by Selma Kupferberg 2008 GRAT I.
- (4) Disposition of shares due to the death of the beneficiary of the trust.
- (5) Since the reporting person's last report 80,000 shares previously held directly have been transferred and are now held by Max Kupferberg 2008 GRAT II.
- (6) Since the reporting person's last report 80,000 shares previously held directly have been transferred and are now held by Selma Kupferberg 2008 GRAT II.
- (7) Stock Options automatically granted pursuant to the reload feature of the New York Community Bancorp, Inc. ("NYCB") 1997 Stock Option Plan that were exercisable on July 24, 2002.
- (8) Stock Options granted pursuant to the New York Community Bancorp, Inc. 1997 Stock Option Plan vest in equal installments beginning on July 24, 2003 and were fully vested and exercisable as of July 24, 2005.

Note: File three copies of this Form, one of which must be manually signed. If space provided is insufficient, *see* Instruction 6 for procedure. Potential persons who are to respond to the collection of information contained in this form are not required to respond unless the form displays a currently valid OMB number.