

NEW PLAN EXCEL REALTY TRUST INC

Form 8-K

July 21, 2003

**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): **July 21, 2003**

**NEW PLAN EXCEL REALTY TRUST, INC.**

(Exact name of registrant as specified in its charter)

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

**1-12244**  
(Commission  
File Number)

**33-0160389**  
(IRS Employer  
Identification Number)

**1120 Avenue of the Americas, 12th Floor**  
**New York, New York**  
(Address of principal executive offices)

**10036**  
(Zip Code)

Registrant's telephone number, including area code:  
**(212) 869-3000**

**Not applicable**

(Former name or former address, if changed since last report)

**Item 5. Other Events**

On July 21, 2003, New Plan Excel Realty Trust, Inc. (the Company ) entered into a Standby Equity Distribution Agreement (the Agreement ) with BNY Capital Markets, Inc. ( BNYCMI ). Under the terms of the Agreement, the Company may offer and sell up to \$50,000,000 of shares of its common stock from time to time through BNYCMI, as the Company s agent for the offer and sale of the shares. A copy of the Agreement is filed as an exhibit to this report.

**Item 7. Exhibits**

The following exhibits are filed as part of this report and are expressly incorporated herein by reference:

1.1 Standby Equity Distribution Agreement, dated as of July 21, 2003, by and between the Company and BNYCMI (the Agreement ).

5.1 Opinion of Hogan & Hartson L.L.P. regarding the legality of the shares related to the Agreement.

SIGNATURE

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

NEW PLAN EXCEL REALTY TRUST, INC.

Date: July 21, 2003

By:

/s/ Steven F. Siegel  
Steven F. Siegel  
Executive Vice President, General Counsel  
and Secretary

EXHIBIT INDEX

<b>Exhibit</b>	<b>Document</b>
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