

Item 3.01. Notice of Delisting or Failure to Satisfy a Continued Listing Rule or Standard; Transfer of Listing.

On January 3, 2012, New York Mortgage Trust, Inc. (the “Company”) received formal notice from the Nasdaq Stock Market LLC (“Nasdaq”) that in connection with the resignation of Daniel K. Osborne from the Company’s Board of Directors effective December 30, 2011, the Company no longer complies with Nasdaq’s independent director and audit committee requirements as set forth in Nasdaq Listing Rule 5605. The Company previously disclosed in a Current Report on Form 8-K filed on December 29, 2011 (the “Prior 8-K”) that it had provided formal notice to Nasdaq regarding this non-compliance with Nasdaq Listing Rule 5605. The information set forth under Item 3.01 of the Prior 8-K is incorporated by reference herein.

The Nominating and Corporate Governance Committee of the Company’s Board has already begun the process of identifying a qualified independent director candidate to fill Mr. Osborne’s seat on the Board and each of the committees on which he serves. The Company expects to fill the vacancy created by Mr. Osborne’s departure during the first quarter of 2012.

SIGNATURE

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

NEW YORK MORTGAGE TRUST, INC.
(Registrant)

Date: January 5, 2012

By: /s/ Fredric S. Starker
Fredric S. Starker
Chief Financial Officer