

SAFENOWITZ HOWARD B  
Form 5  
February 03, 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 \*  
SAFENOWITZ HOWARD B

2. Issuer Name and Ticker or Trading Symbol  
GETTY REALTY CORP /MD/ [GTY]

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)

125 JERICHO TURNPIKE, SUITE 103

(Street)

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

6. Individual or Joint/Group Reporting

(check applicable line)

JERICHO, NY 11753

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                    | 07/03/2008                           | 07/03/2008   | G                              | 3,351 D   | \$ 14.63 177,984   | D  | As Custodian under Gift to Minors Act                 |
| Common Stock                    | 07/03/2008                           | 07/03/2008   | G                              | 3,351 A   | \$ 14.63 33,230  | I  | As Trustee  |
|                                 | ^                                    | ^  | ^                              | ^   | ^  | I  | As Trustee  |

Common  
Stock

|              |   |   |   |   |   |   |           |   |                                  |
|--------------|---|---|---|---|---|---|-----------|---|----------------------------------|
| Common Stock | Â | Â | Â | Â | Â | Â | 1,837,894 | I | By Ltd Partnership<br><u>(1)</u> |
| Common Stock | Â | Â | Â | Â | Â | Â | 89,303    | I | By Partnership                   |
| Common Stock | Â | Â | Â | Â | Â | Â | 11,523    | I | By Spouse<br><u>(2)</u>          |
| Common Stock | Â | Â | Â | Â | Â | Â | 515,000   | I | By Footnote<br><u>(3)</u>        |

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) | 8. Price or Value of Underlying Securities (Instr. 3 and 4) |
|--|--|--------------------------------------|--|--------------------------------|---|--|---|---|
|  |  |                                      |  |                                | (A) (D)   | Date Exercisable Expiration Date                         | Title   | Amount or Number of Shares                                  |
| Restricted Stock Unit                      | Â  | Â                                    | Â  | Â                              | Â Â   | Â <u>(4)</u> Â <u>(4)</u>                                | Common Stock  | Â   |

## Reporting Owners

| Reporting Owner Name / Address  | Relationships |           |         |       |
|---|---------------|-----------|---------|-------|
|   | Director      | 10% Owner | Officer | Other |
| SAFENOWITZ HOWARD B<br>125 JERICHO TURNPIKE, SUITE 103<br>JERICHO, NY 11753 | Â X           | Â         | Â       | Â     |

## Signatures

/s/ Howard  
Safenowitz

02/03/2009

\*\*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).  
Shares held by the Safenowitz Partners, LP (the "Limited Partnership"). The undersigned is the president of Safenowitz Family Corp.,  
(1) which is the General Partner of the Limited Partnership. The undersigned disclaims beneficial ownership of the shares held by the Limited Partnership, except to the extent of his pecuniary interest therein.  
(2) Owned by Spouse. The undersigned disclaims beneficial ownership in these shares.  
(3) As President of the General Partner of The Safenowitz Family Partnership, LP. The undersigned disclaims beneficial ownership of the shares held by the Partnership, except to the extent of his pecuniary interest herein.  
(4) N/A

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.