

ARK RESTAURANTS CORP
Form 4/A
June 03, 2013

FORM 4 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).

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

(Print or Type Responses)

1. Name and Address of Reporting Person *
WEINSTEIN MICHAEL S

2. Issuer Name and Ticker or Trading Symbol
ARK RESTAURANTS CORP
[ARKR]

5. Relationship of Reporting Person(s) to Issuer

(Check all applicable)

(Last) (First) (Middle)

3. Date of Earliest Transaction (Month/Day/Year)
05/21/2013

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

C/O ARK RESTAURANTS CORP, 85 FIFTH AVENUE, 14TH FLOOR

(Street)

4. If Amendment, Date Original Filed(Month/Day/Year)
05/30/2013

6. Individual or Joint/Group Filing(Check Applicable Line)
 Form filed by One Reporting Person
 Form filed by More than One Reporting Person

NEW YORK, NY 10003

(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 Following Reported Transaction(s) (Instr. 3 and 4) | 6. Ownership Form: Direct (D) or Indirect (I) (Instr. 4) | 7. Nature of Ownership (Instr. 4) |
|---------------------------------|--------------------------------------|--|--------------------------------|---|---|--|-----------------------------------|
| | | | | (A) or (D) | Price | | |
| Common Stock ⁽¹⁾ | 05/21/2013 | 05/21/2013 | S | 150 D | \$ 21.25 | 1,051,968 | I See (2) below ⁽²⁾ |
| Common Stock ⁽¹⁾ | 05/22/2013 | 05/22/2013 | S | 1,000 D | \$ 21.25 | 1,050,968 | I See (2) below ⁽²⁾ |
| Common Stock ⁽¹⁾ | 05/22/2013 | 05/22/2013 | S | 2,499 D | \$ 21.45 | 1,048,469 | I See (2) below ⁽²⁾ |
| Common Stock ⁽³⁾ | 05/24/2013 | 05/24/2013 | S | 3,400 D | \$ 21.29 | 1,045,069 | I See (4) below ⁽⁴⁾ |

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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) | 8. Price of Derivative Security (Instr. 5) | 9. Number of Derivative Securities Owned Following Reporting Transaction (Instr. 6) |
|--|--|--------------------------------------|--|--------------------------------|---|--|---|--|---|
| | | | | Code | V (A) (D) | Date Exercisable | Expiration Date | Title | Amount or Number of Shares |

Reporting Owners

| Reporting Owner Name / Address | Relationships | | | |
|--|---------------|-----------|----------------|-------|
| | Director | 10% Owner | Officer | Other |
| WEINSTEIN MICHAEL S C/O ARK RESTAURANTS CORP 85 FIFTH AVENUE, 14TH FLOOR NEW YORK, NY 10003 | X | X | Chairman & CEO | |

Signatures

/s/ Michael Weinstein 05/31/2013

**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) The Form 4, as originally filed on May 30, 2013, did not include the transaction in which the reporting person had previously transferred 10,000 shares to The Weinstein Foundation, an entity that the reporting person beneficially owns. Therefore, the original Form 4 incorrectly identified the direct beneficial ownership and indirect beneficial ownership of 10,000 shares. The Form 4, as amended by this Form 4/A, correctly reports such information as described in the footnotes below.
- (2) The Weinstein Foundation is the selling party. Footnote 1 of the Form 4, as originally filed is being amended to state the reporting person (a) directly owns 1,036,249 shares of common stock; (b) is the indirect beneficial owner of an additional 2,400 shares of common stock held by his minor children; and (c) an additional 13,469 shares are held by The Weinstein Foundation, a private foundation of which Mr.

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Weinstein acts as trustee and as to which shares Mr. Weinstein has shared investment and shared voting power, which were sold as described above. This does not include the 91,500 shares issuable upon the exercise of options granted to Michael Weinstein that are currently exercisable.

- (3) The Form 4, as originally filed on May 30, 2013, did not include this transaction.

The Reporting person (a) directly owns 1,036,249 shares of common stock; (b) is the indirect beneficial owner of an additional 2,400 shares of common stock held by his minor children; and (c) an additional 7,420 shares are held by The Weinstein Foundation, a private

- (4) foundation of which Mr. Weinstein acts as trustee and as to which shares Mr. Weinstein has shared investment and shared voting power, which were sold as described above. This does not include the 91,500 shares issuable upon the exercise of options granted to Michael Weinstein that are currently exercisable.

Note: File three copies of this Form, one of which must be manually signed. If space is insufficient, *see* Instruction 6 for procedure.

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