

1. & T Index No: 2016  
Civil Court of The City of New York  
County of KINGS

Housing Part

HORTIN REALTY CORP

Petitioner  
against  
Respondent(s)

APT  
BROOKLYN, NY 11207

Respondent  
Undertenant(s)

JOHN DOE  
JANE DOE

### NOTICE OF PETITION-HOLD OVER

N.Y.C.H.A. - SECTION 8 DIVISION  
90 CHURCH STREET  
9TH FLOOR  
NY, NY 10007

Attorney for Petitioner

Melvin R. Krimko P.C.  
Attorney At Law  
592 Pacific Street  
Brooklyn, NY 11217  
718/789-3410

CIVIL COURT OF CITY OF NEW YORK  
COUNTY OF KINGS

### HOUSING PART

HORTIN REALTY CORP

Petitioner  
against  
Respondent(s)

APT

BROOKLYN, NY 11207  
JOHN DOE  
JANE DOE

Respondent (Undertenant(s))

First Name of Tenant and/or Undertenant being fictitious and unknown to petitioner.  
Person intended being in possession of the premises herein described\*

To the respondent(s) above named and described, in possession of the premises hereinafter described or claiming possession thereof:  
PLEASE TAKE NOTICE that a hearing at which you must appear will be held at the Civil Court of the City of New York,  
County of KINGS at 141 LIVINGSTON STREET  
Part. J County of KINGS City and State of New York, on 9/30/16 at 9:30 o'clock in the forenoon  
of that day, on the annexed petition of HORTIN REALTY CORP  
which prays for a final judgment of eviction, awarding to the petitioner the possession of premises described as follows:  
ALL ROOMS - APARTMENT Apartment 11207  
in the premises known as and located at

County of KINGS

in the City of New York, as demanded in the petition, which you must answer.

TAKE NOTICE that under Section 745 of the Real Property Actions and Proceedings Law, you may be required by the Court to make a deposit of use and occupancy, or a payment of use and occupancy to the petitioner, upon your second request for an adjournment or if the proceeding is not settled or a final determination has not been made by the Court within 30 days of the first court appearance. Failure to comply with an initial deposit or payment order may result in the entry of a final judgment against you without a trial. Failure to make subsequent required deposits or payments may result in an immediate trial on the issues raised in your answer.

TAKE NOTICE also that demand is made in the petition herein for judgment against you for the sum of \$9,969.60 with interest from 02/01/2016 for the fair value of use and occupancy of the premises during the period of occupying to the present time and future use and occupancy to be set.

TAKE NOTICE also that your answer may set forth any defense of counterclaim you may have against the petitioner.

TAKE NOTICE also that your answer may be made at the time of hearing specified above unless this Notice of Petition, is served upon you on or before the day of , in which event you must answer at least THREE DAYS before the petition is noticed to be heard, either orally before the clerk of the court at his office or in writing by serving a copy thereof upon the undersigned attorney for the petitioner, and by filing the original of such written answer with proof of service thereof in the office of the clerk at least THREE days before the time the petitioner is noticed to be heard. In addition thereto, you must appear before the court at the time and place hereinabove set forth for the hearing.

TAKE NOTICE also that if you fail at such time to interpose and establish any defense that you have to the allegations of the petition, you may be precluded from asserting such defense of the claim on which it is based in any other proceeding or action. In the event of your failure to answer and appear, final judgment by default may be entered against you for the relief demanded in the petition.

Dated: 09/13/2016

Chief Clerk of the Civil Court of New York

KINGS COUNTY

**Petitioner**  
HORTIN REALTY CORP  
  
**Respondent(s)**  
[REDACTED]

THE HOLDOVER PETITION OF

1. Petitioner is the landlord of the premises

2. Respondent(s)

premises pursuant to a WRITTEN AND EXPIRED

between respondent and landlord (landlord's predecessor) for 2 YEARS starting 02/01/2013

3. Respondent JOHN DOE

JANE DOE

4. The premises from which removal is sought were rented for Dwelling

ALL ROOMS - APARTMENT

in building known as [REDACTED]

situated within the territorial jurisdiction of the Civil Court of the City of New York, County of KINGS

5. The term for which said premises were occupied by the respondent(s) expired on 08/31/2016 and the respondent(s)

continue in possession of the premises without permission of the petitioner and/or landlord, after expiration of said term.

6. THE APT IS NOT SUBJECT TO THE NYC EMERGENCY HOUSING RENT LAW OR THE RENT STABILIZATION LAW OF 1969 AS AMENDED, BECAUSE CERTIFICATE OF OCCUPANCY ISSUED AFTER 01-01-74.

7. \*\*SEE ATTACHED NOTICE ANNEXED HERE TO WITH AFFIDAVIT OF SERVICE\*\*

**Respondent**  
**Undertenant(s)**

JOHN DOE  
JANE DOE

DWELLING  
HO0602-02 -3L

**PETITION HOLDOVER**

Resp. answered on \_\_\_\_\_  
Answer is \_\_\_\_\_  
Counterclaim \_\_\_\_\_  
Trial set for \_\_\_\_\_  
Petitioner notified \_\_\_\_\_  
Respondent notified \_\_\_\_\_  
Dated: \_\_\_\_\_ J.C.C.

**MEMORANDUM**

*Attorney for Petitioner*

elvin R. Krimko P.C.

Attorney At Law

12 Park Street

Brooklyn, NY 11217

8/7/16 410

alleges; upon Information and Belief

is (are) tenant(s) in possession of said

is the undertenant of the aforesaid respondent tenant(s)

purposes and are described as follows:

in building known as [REDACTED]

of the City of New York, County of KINGS

on 08/31/2016

and the respondent(s)

OF 1969 AS AMENDED, BECAUSE CERTIFICATE OF OCCUPANCY ISSUED AFTER 01-01-74.

\*\*SEE ATTACHED NOTICE ANNEXED HERE TO WITH AFFIDAVIT OF SERVICE\*\*

8. The premises are a multiple dwelling and pursuant to the Housing Maintenance Code Article 41 there is a currently effective registration statement on file with the Office of Code Enforcement which designates the managing agent named below, a natural person over 21 years of age, to be in control of and responsible for the maintenance and operation of the dwelling.

Agent DAVID HORTON

485 14TH STREET

BROOKLYN NY 11215

9. The Petitioner is entitled to the fair value of use and occupancy at \$

totaling \$ 9969.60 with interest from 02/01/2016

and occupancy.

Petitioner lacks written information or notice of any address where the respondent tenant resides-is employed-has a place of business

has its principal office-place of business in New York State, other than the address of the property sought to be recovered.

At least 30 days before the expiration of the said term the respondent tenant was served in the manner provided for by law with a notice

in writing, a copy of which with proof of service is hereto annexed and made a part of this petition, that the landlord elected to terminate

the said tenancy and that unless the said tenant removed from said premises on the day on which said term expired the landlord would

commence summary proceedings under the statute to remove said tenant therefrom.

WHEREFORE Petitioner requests a final judgment against respondent(s) for the rent demanded therein, awarding possession

of the premises to petitioner landlord, and directing the issuance of a warrant to remove respondent(s) from possession

of the premises together with costs and disbursements of this proceeding, as well as judgment for rent arrears and/or use and

occupancy against respondent(s) and use and occupancy to be set.

Dated: 09/13/2016

STATE OF NEW YORK, COUNTY OF KINGS

*Petitioner* HORTIN REALTY CORP

The undersigned affirms under penalty of perjury that he is one of the attorneys

for the petitioner, that he has read the foregoing petition and knows the contents thereof; that the same are true to his own knowledge except as to

matters stated to be upon information and belief; and as to those matters he believes them to be true. The grounds of his belief as to matters not

stated upon his knowledge are statements and/or records provided by the petitioner, its agents and/or employees and contained in the file in the

attorneys office. This verification is made pursuant to the provisions of RPAPL 741.

09/13/2016 MEI VIN P K RIMKO

# THIRTY (30) DAY NOTICE OF TERMINATION

To:

JOHN DOE(undertenant)

JANE DOE(undertenant)

BROOKLYN, NY 11208

*Used for dwelling purposes*

Additional Service:

New York City Housing Authority  
Leased Housing Eviction Review  
90 Church Street, 9<sup>th</sup> Floor  
New York, NY 10007  
Voucher# 0292345

RECEIVED  
N.Y.C.H.A.  
LAW DEPARTMENT  
2016 JUL 29 P. 3: 04

TO: JOHN DOE AND JANE DOE or assigns.

and every person in possession of the premises. You are hereby notified that the Landlord elects to terminate your tenancy of the above-described premises now held by you under monthly hiring. Unless you remove from the said premises on AUGUST 31, 2016 the day on which your term expires, the Landlord will commence Summary proceedings under the Statute to remove you from said premises for the holding over after the expiration date of your term and will demand the value of your use and occupancy of the premises during such holding over.

THE APARTMENT IS NOT SUBJECT TO THE NYC EMERGENCY HOUSING RENT LAW OR THE RENT STABILIZATION LAW OF 1969 AS AMENDED, BECAUSE CERTIFICATE OF OCCUPANCY ISSUED AFTER 1-1-74.

HORTIN CORP.

BY: BREDA HORTON

Dated: July 20, 2016  
MELVIN R. KRIMKO  
Attorney for Petitioner  
592 Pacific Street  
Brooklyn, New York 11217  
(718) 789-3410.

30 DAY 3:51 AM

CIVIL COURT OF THE CITY OF NEW YORK  
COUNTY OF KINGS: HOUSING PART

279 E 92<sup>ND</sup> STREET CORP. X

Petitioner(s)-Landlord(s),

L&T INDEX NO. [REDACTED]

- against -

NOTICE OF PETITION  
RESIDENTIAL  
HOLDOVER

[REDACTED] Respondent(s)-Tenant(s)

"JOHN DOE"\* AND "JANE DOE"

Respondent(s)-Occupant(s)

PREMISES:

[REDACTED]  
BROOKLYN, NEW YORK 11212 X

TO THE RESPONDENTS ABOVE NAMED AND DESCRIBED, IN POSSESSION OF THE PREMISES HEREINAFTER DESCRIBED OR CLAIMING POSSESSION THEREOF:

PLEASE TAKE NOTICE that a hearing at which you must appear will be held at the Civil Court of the City of New York, County of Kings, at the Courthouse, located at 141 Livingston Street, Brooklyn, New York, Part G, Room 602 on the 29 day of **JULY 2016** at 9:30 o'clock in the forenoon, on the annexed Petition of 279 E 92<sup>ND</sup> STREET CORP., verified on **JUNE 29, 2016**, which prays for a final judgment awarding to Petitioner the possession of the premises described as follows: **ALL ROOMS OF APARTMENT 3I LOCATED AT 279 EAST 92<sup>ND</sup> STREET, BROOKLYN, NEW YORK 11212**, as demanded in the Petition which you must answer. Your answer must set forth any defense or counterclaim you may have against Petitioner, unless such defense or counterclaim is precluded by law or prior agreement between the parties.

TAKE NOTICE also that demand is made in the Petition herein for judgment against you for the fair value of your use of the premises from **JUNE 29, 2016** forward and for the costs and disbursements of this proceeding, including reasonable attorney's fees.

TAKE NOTICE also that your answer may be made on the 21 day of **JULY 2016**, at the time of the hearing specified above. **YOU MUST APPEAR BEFORE THE COURT** at the time and place hereinabove set forth for the hearing.

TAKE NOTICE also that if you fail to interpose and establish any defense that you may have to the allegations of the Petition, you may be precluded from asserting such defense or the claim on which it is based in any other proceeding or action.

IN THE EVENT of your failure to answer and appear, final judgment by default may be entered against you for the relief demanded in the Petition.

TAKE NOTICE, that under Section 745 of the Real Property Actions and Proceedings Law, you may be required by the Court to make a deposit of use and occupancy, or a payment of use and occupancy to the petitioner, upon your second request for an adjournment or if the proceeding is not settled or a final determination has not been made by the Court within 30 days of the first court appearance. Failure to comply with an initial deposit or payment order may result in the entry of a final judgment against you without a trial. Failure to make subsequent required deposits or payments may result in an immediate trial on the issues raised in your answer.

DATED: YONKERS, NEW YORK  
JUNE 29, 2016

CAROL ALT  
CLERK OF THE CIVIL COURT  
OF THE CITY OF NEW YORK

ALLISON M. HEILBRAUN, P.C.  
ATTORNEYS FOR PETITIONER  
73 MARKET STREET, SUITE 376  
YONKERS, NEW YORK 10710  
(914) 237-3348

CIVIL COURT OF THE CITY OF NEW YORK  
COUNTY OF KINGS: HOUSING PART

\_\_\_\_\_  
279 E 92<sup>ND</sup> STREET CORP. X

Petitioner(s)-Landlord(s),

L&T INDEX NO.

- against -

PETITION  
RESIDENTIAL  
HOLDOVER

\_\_\_\_\_  
Respondent(s)-Tenant(s)

"JOHN DOE"\* AND "JANE DOE"  
Respondent(s)-Occupant(s)

PREMISES:

\_\_\_\_\_  
BROOKLYN, NEW YORK 11212

X

THE PETITION OF 279 E. 92<sup>ND</sup> STREET CORP., shows that:

1) Petitioner is the owner of the premises hereinafter described and is authorized to bring this proceeding.

2) Upon information and belief \_\_\_\_\_ is the tenant of record of Apartment \_\_\_\_\_ in the premises described herein.

2a) Respondents were served with a NOTICE OF TEMINATION OF TENANCY on June 16, 2016. The Respondent has continued in possession of the premises without the permission of Petitioner after the expiration of said Notice on June 28, 2016. A copy of said Notice with proof of service thereof is annexed hereto and made a part hereof.

3) The premises are described as follows: ALL ROOMS OF APARTMENT \_\_\_\_\_ IN THE BUILDING KNOWN AS AND LOCATED AT \_\_\_\_\_ BROOKLYN, NEW YORK 11212, which is situated within the territorial jurisdiction of the Civil Court of the City of New York, County of the Kings.

4) The premises are a multiple dwelling and pursuant to the Administrative Code, Article 41, there is a currently effective registration statement on file with the Office of Code Enforcement in which the owner has designated a managing agent, shown below, a natural person over the age of 21 years, to be in control of and responsible for the maintenance and operation of the dwelling.

MULTIPLE DWELLING REGISTRATION NO.: 348355  
REGISTERED MANAGING AGENT: JOSE MEJAS  
BUSINESS ADDRESS: 1050 ANDERSON AVENUE  
BRONX, NEW YORK

5) Other than the property sought to be recovered, Petitioner has no information or notice of an address where Respondents reside, are employed or have a place of business within the State of New York.

6) The premises are subject to the Rent Stabilization Law of 1969 as amended by Chapter 576 of the Laws of 1974 and the Omnibus Housing Act of 1983, and has been duly registered with the N.Y.S. Division of Housing and Community Renewal, and the rent demanded herein does not exceed the legal registered rent.

7) This proceeding is commenced in good faith by the Petitioner to recover possession of said premises from the Respondent for the purpose specified in the Notice served upon the Respondent.

WHEREFORE, Petitioner requests: a final judgment awarding possession of the subject premises to Petitioner, issuing a warrant of eviction to remove Respondents from possession of the premises, awarding Petitioner reasonable use and occupancy with interest from June 29, 2016, plus the costs and disbursements of this proceeding, including legal fees, together with such other and further relief which the Court may deem just, proper and equitable.

DATED: YONKERS, NEW YORK  
JUNE 29, 2016

279 E 92<sup>ND</sup> STREET CORP.  
PETITIONER

\* NAMES IN QUOTATIONS ARE FICTITIOUS. REAL NAMES UNKNOWN. PERSONS INTENDED ARE THOSE IN POSSESSION OF THE PREMISES WHICH ARE THE SUBJECT OF THIS PROCEEDING.

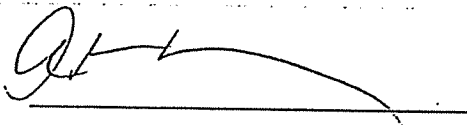
ALLISON M. HEILBRAUN, P.C.  
ATTORNEYS FOR PETITIONER  
1046 MCLEAN AVENUE  
YONKERS, N.Y. 10704  
(914) 237-3348

VERIFICATION

STATE OF NEW YORK                    )  
  )    SS:)  
COUNTY OF WESTCHESTER        )

The undersigned, an attorney duly admitted to practice in the Courts of the State of New York, affirms that the foregoing statements are true under penalties of perjury.

That affirmant is a member of the firm of ALLISON M. HEILBRAUN, P.C., attorneys for the Petitioner-Landlord in the foregoing Petition, and that the contents of said Petition are true to the knowledge of affirmant except as to those matters therein stated to be alleged on information and belief and as to those matters affirmant believes the petition to be true. The grounds of affirmant's belief are statements and information supplied by the Petitioner to affirmant. This verification is made pursuant to Section 741 of the Real Property Actions and Proceedings Law. The Petitioner is not located in the same county as the affirmant's office.

  
ALLISON M. HEILBRAUN, ESQ.

DATED:       YONKERS, NEW YORK  
              JUNE 29, 2016



## NOTICE OF TERMINATION OF TENANCY

TO:



BROOKLYN, N.Y. 11212




OCCUPANTS

"JOHN DOE" AND/OR "JANE DOE"\*

(\*These names are fictitious and are intended to designate any and all occupants of the premises)

PLEASE TAKE NOTICE, that you are violating a substantial obligation of your tenancy in that you have repeatedly failed to comply with that portion of the lease entered into between yourself and the landlord, for the accommodation, in which you reside, to wit: pursuant to Section 2524.3(a) of the Rent Stabilization Code, in that you have repeatedly and habitually failed to tender your monthly rent in a timely fashion. Your long term, unjustified and persistent failure to pay rent as it becomes due breaches a material leasehold obligation. The original lease was entered into for the period August 1, 2011 through July 31, 2013 and said lease was most recently renewed for the period August 1, 2015 through July 31, 2017

Your failure to comply with the obligation of your tenancy to pay rent is detailed in the numerous non-payment proceedings (3) which the landlord has been forced to commence against you since 2011. Specifically, the landlord has commenced the proceedings bearing the following Index Numbers for the period 2011 through and including 2015

/11  
/12  
/15

PLEASE TAKE FURTHER NOTICE THAT each case extended for more than one year in Court. Each case had more than 6 Orders to Show Cause with the last case having 15 Orders to Show Cause

PLEASE TAKE FURTHER NOTICE that you did not attempt to tender the rent owed in each of the above referenced actions until receipt of service of the Notice of Petition and Petition and/or receipt of service of the marshal's notice of eviction. Each of the above cases resulted in the issuance of a final judgment and warrant of eviction.

PLEASE TAKE FURTHER NOTICE that the landlord maintains that at no time was your failure to tender monthly rent as it became due a result of an error on the part of the Department of Social Services or of any other person or entity other than yourself.

Additionally, your failure to assert any meritorious defenses and your failure to prevail in any of the above-referenced summary proceedings further substantiates the landlord's claim that your failure to tender your monthly rent as it became due and owing is a breach of a substantial obligation of your tenancy.


PLEASE TAKE FURTHER NOTICE that you are currently indebted to Petitioner in the sum of \$2564.36 through June 2016 further substantiating the Petitioner's claim.

PLEASE TAKE FURTHER NOTICE, that your tenancy of the premises is hereby terminated. Said termination will be effective June 28, 2016 which date is at least seven (7) days after the date of service of this Notice upon you pursuant to Section 2524.2C(2) of the Rent Stabilization Code. You are required to quit, vacate and surrender possession of the premise to the landlord. Upon your failure to do so, the landlord will commence appropriate proceedings in the Civil Court of the City of New York to evict you from the premises.

PLEASE TAKE FURTHER NOTICE, that your apartment is subject to the Rent Stabilization Law of 1969, as amended, and has been duly registered with the Division of Housing and Community Renewal (DHCR).

Dated: Westchester, N.Y.  
June 15, 2016

279 E 92<sup>ND</sup> STREET CORP  
LANDLORD

BY:   
\_\_\_\_\_  
David Schwartz  
Officer

Additional Service:

HUD

26 Federal Plaza

New York, New York 10278

WARNING TO RESPONDENTS: If you are dependent upon a person in the military service of the United States, advise the Clerk of this Court immediately to protect your rights.

CIVIL COURT OF THE CITY OF NEW YORK  
COUNTY OF KINGS

PITKIN APARTMENTS LLC,

L&T Index No.:

Petitioner/Landlord

H/O

-against-

Respondent/Tenant,

-and-

NOTICE OF  
PETITION  
HOLDOVER  
RESIDENTIAL

"JOHN DOE" and/or "JANE DOE",

Respondents/Undertenants.

Apartment

Brooklyn, New York 11212

*[First name of Tenant and/or Undertenant being fictitious and unknown to  
Petitioner, person intended being in possession of the premises herein described]*

To Respondent(s) above named and described, in possession of the premises hereinafter described or claiming possession thereof:

PLEASE TAKE NOTICE that a hearing at which you must appear will be held at the Civil Court of the City of New York, County of Kings, located 141 Livingston Street, Brooklyn, New York 11201, Part A, Room 904, on December 2, 2015 at 9:30 o'clock in the AM/PM of that day, on the annexed Petition of PITKIN APARTMENTS LLC, verified November 9, 2015, which prays for a final judgment of eviction, awarding to Petitioner the possession of the premises used for residential purposes, described as follows:

Brooklyn, New York 11212

Your answer may set forth any defense or counterclaim against Petitioner, unless such defense or counterclaim is precluded by law or prior agreement between the parties.


**TAKE NOTICE** that under Section 745 of the Real Property Actions and Proceedings Law, you may be required by the Court to make a deposit of use and occupancy, or a payment of use and occupancy to the Petitioner, upon your second request for an adjournment or if the proceeding is not settled or final determination has not been made by the Court within thirty (30) days of the first court appearance. Failure to comply with an initial deposit or payment order may result in the entry of a final judgment against you without a trial. Failure to make subsequent required deposits or payments may result in an immediate trial on the issues raised in your answer.

**TAKE NOTICE** that demand is made in the Petition for judgment against you for **FAIR VALUE USE AND OCCUPANCY**.

**TAKE NOTICE** that your answer may be made at the time of hearing specified above unless this Notice of Petition is served upon you at least eight (8) days before the Petition is noticed to be heard in which event you must answer at least three (3) days before the Petition is noticed to be heard, either orally before the Clerk of the Court at his office or in writing by serving a copy thereof upon the undersigned attorney for the Petitioner, and by filing the original of such answer with proof of service thereof in the office of the Clerk at least three (3) days before the time the Petition is noticed to be heard; in addition thereto, **YOU MUST APPEAR BEFORE THE COURT** at the time and place herein above set forth for the hearing.

**TAKE NOTICE** that if you fail to interpose and establish any defense to the allegations of the Petition that you may have, you may be precluded from asserting such defense or any claim upon which it may be based in any other proceeding or action.

In the event you fail to answer and appear, final judgment by default may be entered against you for the relief demanded in the Petition.

  
CHIEF CLERK

NOV 13 2015

Carol Alt KINGS COUNTY  
Clerk of the Court CIVIL COURT

ANDREW F. TROIA ESQ., P.C.  
Attorneys for Petitioner/Landlord  
59 Maiden Lane, 41st Floor  
New York, New York 10038  
(212) 390-8750

Additional Service:

HUD

26 Federal Plaza

New York, New York 10278

CIVIL COURT OF THE CITY OF NEW YORK  
COUNTY OF KINGS

PITKIN APARTMENTS LLC,

L&T Index No.:

Petitioner/Landlord,

-against-

Respondent/Tenant,

H/O

PETITION  
HOLDOVER  
RESIDENTIAL

-and-

"JOHN DOE" and/or "JANE DOE",

DEC 02 2015

Respondents/Undertenants.

Brooklyn, New York 11212

*[First name of Tenant and/or Undertenant being fictitious and unknown to  
Petitioner, person intended being in possession of the premises herein described]*

The Petition of PITKIN APARTMENTS LLC, represents, upon information and belief:

1. Petitioner is the owner and Landlord of the premises known as and located at: [REDACTED], New York 11212 (hereinafter the "subject premises"), which is within the jurisdiction of the Civil Court of the City of New York, County of Kings, and as such is authorized to maintain this proceeding.
2. Respondent, [REDACTED], is the tenant of record of the subject premises who entered into possession thereof pursuant to a written lease agreement.
3. Respondent(s), "JOHN DOE" and/or "JANE DOE", are the undertenants of the aforesaid Respondent. Respondents continue in possession of the subject premises.
4. The premises are described as follows: for residential purposes, [REDACTED] Brooklyn, New York 11212, which is situated within the territorial jurisdiction of the Civil Court of New York, County of Kings.

5. The term for which the said premises were rented by the Respondent/Tenant(s) has been terminated pursuant to the **COMBINED TEN (10) DAY NOTICE TO TENANT OF LANDLORD'S INTENTION TO TERMINATE TENANT'S ASSISTANCE PAYMENT AND THIRTY (30) DAY NOTICE OF TERMINATION BASED UPON TENANT'S MATERIAL NONCOMPLIANCE WITH HUD LEASE AND INTENTION TO RECOVER POSSESSION** annexed hereto and made part thereof. By virtue of said notice, the tenant's term expired on **October 30, 2015**.
6. The Respondent continues in possession of the subject premises without the permission of the Petitioner/Landlord after the termination of said term as a result of the Respondent's material noncompliance with the Lease Agreement by way of committing or permitting a nuisance in the subject housing accommodation; or are maliciously or by reason of gross negligence engaging in a persistent and continuing course of conduct evidencing an unwarrantable, unreasonable or unlawful use of the property to the annoyance, inconvenience, discomfort or damage of others, the primary purpose of which is intended to harass the owner or other tenants or occupants of the building by interfering substantially with their comfort or safety, and as a result of said nuisance the Respondent is interfering substantially with the comfort and safety of the other tenants and occupants of the subject building. The facts supporting this basis include, but are not limited to, the following:
- loud music emanates from the subject premises throughout the late evening hours disturbing the other residents; and
  - the Respondent and/or guest(s) create loud and disturbing noises during all hours of the day and evening which include, but are not limited to, arguing, yelling, screaming profanities and throwing objects out the window; and
  - the Respondent leaves garbage on the ground outside of the management office, hallways and common areas of the building; and
  - upon information and belief, the Respondent has allowed the electricity and gas to the subject premises be shut off by Con Edison and National Grid; and
  - upon information and belief, your electricity remains stuff off. On August 19, 2015, management found an extension cord from your apartment to a vacant apartment evidencing that you were stealing electricity; and
  - the Respondent has harassed and threatened other occupants of the building and the property manager.
7. The premises are located in a multiple dwelling and pursuant to the Housing Maintenance Code, Section 27-2097, there is a currently effective registration statement on file with the Office of Code Enforcement in which the owner has designated a managing agent, shown below, a natural person over the age of twenty-one (21) years, to be in control of and responsible for the maintenance and operation of the dwelling.

**MULTIPLE DWELLING REGISTRATION NO.: 374666**  
**REGISTERED MANAGING AGENT: SAM HOROWITZ**  
**ADDRESS: c/o Capital Realty Group Inc., 1794 Pitkin Avenue, Brooklyn, NY 11212**

8. The premises are not subject to the Rent Control, Rent Stabilization or Omnibus Housing Act of 1983 as amended. The premises are a subsidized multifamily housing project regulated by the United States Department of Housing and Urban Development which pre-empted local rent laws.
9. Other than the property sought to be recovered, Petitioner is not aware of another other address where the Respondent resides.
10. Further, the aforementioned **COMBINED TEN (10) DAY NOTICE TO TENANT OF LANDLORD'S INTENTION TO TERMINATE TENANT'S ASSISTANCE PAYMENT AND THIRTY (30) DAY NOTICE OF TERMINATION BASED UPON TENANT'S MATERIAL NONCOMPLIANCE WITH HUD LEASE AND INTENTION TO RECOVER POSSESSION** stated that upon the Respondent's failure vacate the subject premises by **October 30, 2015**, the Landlord would commence summary proceedings seeking the removal of the Respondent from the subject premises for the holding over after the expiration of the term.
11. **DEMAND FOR RELIEF:** Petitioner requests a final judgment awarding possession of the subject premises to Petitioner/Landlord; issuance of a warrant of eviction to remove Respondent(s) from possession of the subject premises; judgment for rent in arrears and/or fair value use and occupancy for the subject premises up to and including the date of trial; costs and disbursements herein plus legal fees in an amount to be determined by this Court but not less than **\$1,500.00**.

Dated: New York, New York  
November 9, 2015

  
\_\_\_\_\_  
**PITKIN APARTMENTS LLC**  
Petitioner/Landlord/Owner  
**ANDREW F. TROIA ESQ., P.C.**  
Attorneys for Petitioner  
59 Maiden Lane, 41st Floor  
New York, New York 10038  
(212) 390-8750.



Additional Service:

HUD  
26 Federal Plaza  
New York, New York 10278

COMBINED TEN (10) DAY NOTICE TO TENANT OF LANDLORD'S  
INTENTION TO TERMINATE TENANT'S ASSISTANCE PAYMENT  
AND THIRTY (30) DAY NOTICE OF TERMINATION BASED UPON  
TENANT'S MATERIAL NONCOMPLIANCE WITH HUD LEASE AND  
INTENTION TO RECOVER POSSESSION

TO:

[REDACTED]  
Apartment [REDACTED]  
Brooklyn, New York 11212

OCCUPANTS: "JOHN DOE" AND/OR "JANE DOE"

*house rules?*

PLEASE TAKE NOTICE, that pursuant to Paragraph 10(b), 13(e), 14 and 23 of your HUD Lease agreement which was extended for successive terms of one year by way of your annual re-certifications with HUD, unless sooner terminated (hereinafter the "Lease"), 24CFR Sections 247.3 and 247.4 and the Occupancy Requirements of Subsidized Multifamily Housing Programs (hereinafter, "HUD Guidelines") Sections 8-5 and 8-13(A)(3), the Landlord is hereby providing you with a ten (10) day notice that the Landlord intends to terminate your subsidy payment for [REDACTED] Brooklyn, New York 11212 (hereinafter the "Subject Premises") and a thirty (30) day notice that the Landlord intends to terminate your tenancy based upon your material noncompliance with the Lease by way of your committing or permitting a nuisance in the subject housing accommodation, or are maliciously or by reason of gross negligence engaging in a persistent and continuing course of conduct evidencing an unwarrantable, unreasonable or unlawful use of the property to the annoyance, inconvenience, discomfort or damage of others, the primary purpose of which is intended to harass the owner or other tenants or occupants of the building by interfering substantially with their comfort or safety, and as a result of said nuisance you are interfering substantially with the comfort and

safety of the other tenants and occupants of the subject building. The facts supporting this basis include, but are not limited to, the following:

- 13(e) — • You allow loud music to emanate from your apartment throughout the late evening hours disturbing the other residents; and
- 13(e) — • You and/or your guests create loud and disturbing noises during all hours of the day and evening which include, but are not limited to, arguing, yelling, screaming profanities and throwing objects out your window; and
- 10(b) — • You leave garbage on the ground outside of the management office, hallways and common areas of the building; and
  - You have allowed your electricity and gas to be shut off by Con Edison and National Grid; and
  - Upon information and belief, your electricity remains stuff off. On August 19, 2015, management found an extension cord from your apartment to a vacant apartment evidencing that you were stealing electricity; and
  - You have harassed and threatened other occupants of the building and the property manager.

PLEASE TAKE NOTICE that the Landlord shall terminate your rent subsidy payment effective October 10, 2015, a date which is at least ten (10) calendar days following the date of this Notice.

PLEASE TAKE FURTHER NOTICE, that during the ten (10) calendar days following the date of this Notice, you may request to meet with the Landlord to discuss the proposed termination of subsidy, and upon such request, the Landlord will agree to meet with you.


PLEASE TAKE NOTICE, that pursuant to Paragraph 23 of your HUD Lease agreement which was extended for successive terms of one year by way of your annual recertifications with HUD, unless sooner terminated (hereinafter the "Lease"), 24 CFR Sections 247.3 and 247.4 and the Occupancy Requirements of Subsidized Multifamily Housing Programs, Section 8-13(A)(3), the landlord elects to terminate your tenancy effective October 30, 2015, based upon your material noncompliance with the terms of the aforesaid Lease. Unless you removed from said premises on or before October 30, 2015, the day on which your term expires the landlord will commence summary proceedings under the statute to remove you from said

premises for the holding over after the termination of your term, and will demand the value of your use and occupancy of the premises during such holding over.

PLEASE TAKE NOTICE that during the ten (10) calendar days following the date this Notice was delivered or the day after this Notice was mailed, whichever is earlier, you may request to meet with the Landlord to discuss the proposed termination of your tenancy, and, upon your request, the landlord will agree to meet with you.

PLEASE TAKE NOTICE that the landlord intends to commence summary proceedings to recover possession should you fail to vacate and surrender possession of the subject premises on or before October 30, 2015. You have an absolute right to defend such proceedings and you may present any defenses you may have in said summary proceedings.

Dated: New York, New York  
September 17, 2015

  
PITKIN APARTMENTS LLC  
(Owner & Landlord)  
By: Michelle Scheinbaum, Managing Agent

Additional Service:

HUD  
26 Federal Plaza  
New York, New York 10278