

CITY COURT OF THE CITY OF WHITE PLAINS  
COUNTY OF WESTCHESTER

- - - - -X

JOHN MCFADDEN,  
Petitioner (Overtenant)

Index No. *SP1502/07*

**NOTICE OF PETITION**  
Holdover

-against-

ELENA SASSOWER,

Petitioner's Residence:  
472 Clearmeadow Drive  
East Meadow, New York 11554

Respondent (Subtenant)  
16 Lake Street - Apt 2C  
White Plains, New York

- - - - -X

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 City Court of the City of White Plains Part B, to be held at 77 Lexington Avenue, White Plains, New York, on July 16, 2007 at 9:30 am on the annexed petition of John McFadden which prays for a final judgment of eviction, awarding to petitioner the possession of premises designated and described as follows: the 7 rooms on the 2<sup>nd</sup> floor, and known as Apartment No. 2C, at 16 Lake Street, City of White Plains, County of Westchester, State of New York and further granting to the petitioner such other and further relief as is demanded in the petition, which you must answer.

TAKE NOTICE also that demand is made in the petition herein for judgment against you, the respondent, for the sum of \$2,200.00 with interest thereon from June 1, 2007.

TAKE NOTICE that your answer may set forth any defense or 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 July 8, 2007 in which event you must answer at least 3 days before the petition is noticed to be heard, either orally before the Clerk of the Court at his or her office

*Ex A-4*

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 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 hereinabove set forth for the hearing.

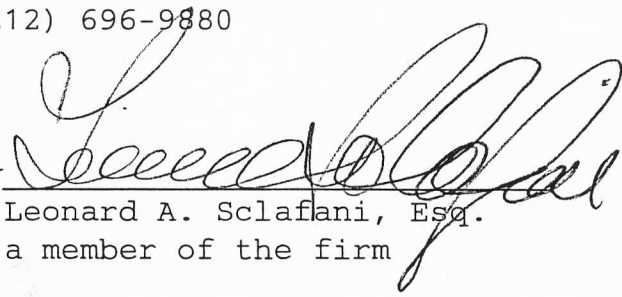
TAKE NOTICE also that if you shall fail at such time to interpose and establish any defense that you may have to the allegations of the petition, you may be precluded from asserting such defense or the claim on which it is based in any other proceeding or action.

TAKE NOTICE that your failure to appear and answer may result in final judgment by default for the petitioner for your removal from the above described premises and for money judgment in the amounts demanded in the petition.

Dated: June 27, 2007

Leonard A. Sclafani, P.C.  
Attorney(s) for Petitioner  
18 East 41<sup>st</sup> Street - Ste 1500  
New York, New York 10017  
(212) 696-9880

By

  
Leonard A. Sclafani, Esq.  
a member of the firm

CIVIL COURT OF THE CITY OF WHITE PLAINS  
COUNTY OF WESTCHESTER

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JOHN MCFADDEN

Index No. *SP1502/07*

Petitioner (Overtenant)

**PETITION**

Holdover

-against-

ELENA SASSOWER

Respondent (Subtenant)

----- X

The PETITION of John McFadden, alleges:

1. Petitioner John McFadden is an individual and citizen and resident of the County of Nassau, State of New York.

2. Petitioner is, and at all times relevant hereto has been, the proprietary lessee under a written proprietary lease agreement made and entered into by and between 16 Lake Street Owners Inc., a cooperative corporation, as landlord, and Petitioner, as tenant, covering the premises hereinafter described. Petitioner is, and at all times relevant hereto has also been, the owner of the 548 shares of 16 Lake Street Owners Inc. allocated and appurtenant to the said hereinafter described premises.

3. The premises the possession of which petitioner seeks

and from which petitioner seeks respondent's removal is Apartment 2C in the cooperative apartment building located at 16 Lake Street, White Plains, New York 10603.

4. Respondent Elena Ruth Sassower entered into occupancy and assumed possession of the said premises initially under a written temporary occupancy agreement made and entered into by her with petitioner on, and dated, October 30, 1987.

5. The said temporary occupancy agreement was part of a contract for the sale to her and to her mother Doris L. Sassower of the above described 548 shares of 16 Lake Street Owners Inc. and petitioner's interest as tenant in the above described proprietary lease for the premises.

6. Pursuant to the said temporary occupancy agreement, the right of respondent Elena Ruth Sassower to occupy the premises was subject to the approval of 16 Lake Street Owners, Inc. and, in any event, was to end and terminate upon the failure of respondent Elena Sassower and Doris Sassower of close on the above described contract to sale.

7. As a result of a refusal by 16 Lake Street Owners, Inc. to grant its consent to the occupancy by respondent Elena Sassower and Doris Sassower of the premises and to their purchase of petitioner's above described stock and interest in the above described proprietary lease for the premises, respondent's right under the temporary occupancy agreement to possession and occupancy of the said premises terminated.

8. Subsequently, petitioner and respondent entered into an oral agreement pursuant to which respondent Elena Ruth Sassower was permitted to remain in possession and occupancy of the said premises as a subtenant of petitioner on a month to month basis.

9. The term for which said premises was rented by respondent from petitioner expired on May 31, 2007.

10. The respondent continues in possession of the premises without permission of petitioner after the expiration of the term.

11. At least thirty (30) days before the expiration of the said term, the respondent Elena Sassower was served in the manner

provided for by law with a notice in writing, a copy of which with proof of due service upon respondent is hereto annexed and made a part of this Petition, that petition elected to terminate respondent's said tenancy and that unless said respondent removed from the said premises on the day on which said term expired, petitioner would commence summary proceedings under the Statute to remove said respondent therefrom.

12. Petitioner lacks written information or notice of any address where the respondent resides - is employed - has a place of business in New York State, other than the address of the property sought to be recovered.

13. The premises are not subject to the Emergency Tenants Protection Act or other rent regulation pursuant to the Resolution adopted by the Common Council of the City of White Plains of September 9, 1992 because the premises is a coop apartment, the shares in the coop cooperation that owns the premises and that are appurtenant thereto having been sold by the sponsor in an arms length sale to a bona fide purchaser; to wit; petitioner, as and for the purchaser's actual residence.

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14. The fair market value of respondent's use and occupancy

of the said premises from the date that the term of respondent's tenancy terminated is at the rate of \$2,200.00 per month; no part of which petitioner has received.

WHEREFORE, petitioner requests final judgment: awarding possession of the premises to the petitioner; issuance of a warrant of eviction to remove respondent from possession thereof; judgment for use an occupancy in the amount of \$2,200.00 and at the rate of \$2,200.00 for each month subsequent to the date hereof that respondent remains in possession of the premises herein described; such relief as the law permits and to which petitioner is entitled; interest from June 1, 2007 at the legal rate; costs and disbursements herein.

Dated: June 22, 2007  
New York, New York



John McFadden  
Petitioner/Overtenant

Leonard A. Sclafani, P.C.  
Attorney for petitioner  
18 East 41<sup>st</sup> Street, 15<sup>th</sup> Floor  
New York, New York 10017  
(212) 696-9880

By 


VERIFICATION

STATE OF NEW YORK)

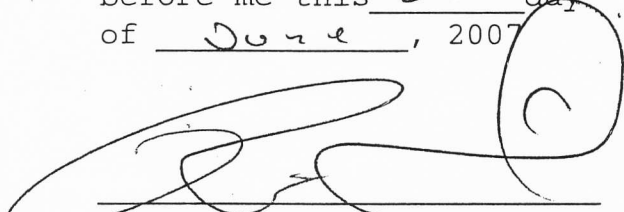
SS:

COUNTY OF )

The undersigned, being first duly sworn states that deponent has read the Petition, and that the contents of the Petition are true to deponent's own knowledge except as to those matters stated to be on information and belief, and as to those matter, I believe them to be true. This verification is made by said attorney in the place of the Petitioner or its representative, because R.P.A.P.L. Section 741 permits attorney to so verify the Petition regardless of whether the Petitioner is in the county in which the attorney's offices are located.

  
\_\_\_\_\_  
John McFadden

Sworn to and subscribed  
before me this 23 day  
of June, 2007

  
\_\_\_\_\_  
Notary Public

ROBERT SHIRKO  
Notary Public, State of New York  
No. 01SH6120840  
Qualified in Nassau County  
Term Expires 12/27/08





Re: Premises:

7 rooms 2nd floor Apt. No. 2C  
at 16 Lake Street, White Plains, New York 10601  
used for ☐ Business ☒ Dwelling purposes.

TO:

Undertenant ] and,

Undertenant\*

Elena Sassower

John Doe

16 Lake Street, Apt. 2C

White Plains, New York 10601

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

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 May 31, 2007

, 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 of your term and will de-  
mand the value of your use and occupancy of the premises during such holding over.

Dated: April 10, 2007

John McFadden

Overtenant/Landlord

Agent

Address

7007 0220 0001 9974 9096

<b>U.S. Postal Service™</b> <b>CERTIFIED MAIL™ RECEIPT</b> <i>(Domestic Mail Only; No Insurance Coverage Provided)</i>		
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>		
WHITE PLAINS NY 10601		
Postage	\$ 0.39	0005
Certified Fee	\$2.40	21
Return Receipt Fee (Endorsement Required)	\$0.00	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 2.79	04/24/2007
Sent To <b>John Doe</b> Street, Apt. No., or PO Box No. <b>16 Lake Street-Apt. 2C</b> City, State, ZIP+4 <b>White Plains, NY 10601</b>		
PS Form 3800, August 2006		See Reverse for Instructions

U.S. POSTAL SERVICE	CERTIFICATE OF MAILING
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER	
Received From: <b>A.G. Suite 1806</b> <b>233 Broadway</b> <b>New York, NY 10279</b>	
One piece of ordinary mail addressed to: <b>John Doe</b> <b>16 Lake Street-Apt. 2C</b> <b>White Plains, NY 10601</b>	

PS Form 3817, January 2001



# AFFIDAVIT OF SERVICE

L & T Index #

STATE OF NEW YORK, COUNTY OF NEW YORK

JEFFREY CAMPOLO being duly sworn, deposes and says: that deponent is not a party to this proceeding, is over 18 years of age and resides in the State of New York. The property sought to be recovered is  
No. 16 Lake Street, Apt. 2C, White Plains, NY 10601

On April 23rd, 2007 ~~200~~ at 3:05 o'clock p.m. deponent served the within ~~30 Day~~ Notice of Petition and Petition upon said respondent(s) to wit: ~~JOHN DOE~~

☐ by gaining admittance to said property and delivering to and leaving a true copy thereof personally with  
SUBSTITUTED a person of suitable age and discretion,  
SERVICE who was willing to receive same and who resided in and was employed at said property

Sex: Color: Hair: Age: Ht: Wt:

CONSPICUOUS after a prior attempt was made on  
PLACE April 19th, 2007 at 7:12 P.M.  
SERVICE ☒ April 20th, 2007 at 7:46 A.M.  
☒ by affixing a true copy thereof upon a conspicuous part, to wit: the entrance door of said property  
on all occasions deponent was unable to gain admittance thereat or to find a person of suitable age and discretion willing to receive same.

Sworn to before me this  
24th day of April, 2007

*Shirley Gamboa*  
SHIRLEY GAMBOA  
Notary Public, State of New York  
No. 01GA5030849  
Qualified in New York County  
Commission Expires July 25, 2010

*Jeffrey Campo*  
JEFFREY CAMPOLO

STATE OF NEW YORK, COUNTY OF NEW YORK

AMELIA E. GARCIA being duly sworn, deposes and says that deponent is not a party to this action, is over 18 years of age and resides in the City of New York.

That on the 24th day of April, 2007 ~~200~~ to 16 Lake Street, Apt. 2C, White Plains, NY 10601  
deponent mailed other true copies thereof enclosed in a postpaid properly addressed wrapper to respondent(s) JOHN DOE at the property sought to be recovered which is respondent's residence or corporate respondents principal place of business by certified mail and by first class mail with certificate of mailing

by depositing the same in a Post Office under the exclusive care and custody of the United States Post Office Department within the State, that being the last-known address of the respondent(s) as to which the petitioner had written information or notice in writing.

Sworn to before me this  
24th day of April, 2007

*Shirley Gamboa*  
SHIRLEY GAMBOA  
Notary Public, State of New York  
No. 01GA5030849  
Qualified in New York County

*Amelia E. Garcia*  
AMELIA E. GARCIA  
Lic. No. 684-964