

FILE
6/26/90
REC

CITY COURT, CITY OF WHITE PLAINS
STATE OF NEW YORK

-----X
JOHN McFADDEN,

Petitioner,

-against-

ANSWER
Index No. 651/89

Respondent demands
trial by jury of
six

DORIS L. SASSOWER and ELENA RUTH SASSOWER

Respondents.

-----X
Respondents ^{and Elena Ruth Sassower} DORIS L. SASSOWER, by DORIS L. SASSOWER, P.C.,

respectfully sets forth and alleges as her Answer to the Petition
herein:

GENERAL DENIAL

AS AND FOR AFFIRMATIVE DEFENSES

1. Failure to state a Cause of Action.
2. Failure to comply with the requirements of RPAPL Sec. 701 et seq.
3. Lack of jurisdiction.
 - (a) improper service;
 - (b) Respondents are Contract-Vendees in possession under a written agreement which was not to be performed within ninety (90) days and which specifically disclaims a landlord-tenant relationship;
4. Collateral estoppel: Prior to commencement of this proceeding, Petitioner filed an action in Federal Court under Index No. 88 Civ. 5775 in which Petitioner was Co-Plaintiff with Respondents, suing 16 Lake Street Owners, Inc., its Board of Directors, et. al. for its discriminatory and wrongful conduct in

refusing to give its approval to his application to sell his proprietary shares in the subject apartment to Respondents.

5. Waiver and ratification by reason of acceptance of monthly payments without having first obtained Court approval.

6. Failure to serve required notices in accordance with law. Under the Contract of Sale, Respondent Doris L. Sassower was to receive all notices at a specified address. Petitioner instead served ^{said} Respondent at a different address, where she has never resided.

WHEREFORE, Respondent ~~s~~ prays for Judgment against Petitioner as follows:

1. Dismissal of the Petition on grounds alleged.
2. Attorney's fees, costs and expenses under 22 NYCRR Sec 130.1(c) and RPL Sec. 235.
3. Such other and further relief as the Court may deem proper.

DORIS L. SASSOWER, P.C.
283 Soundview Avenue
White Plains, N.Y. 10606
(914) 997-1677

June 26, 1990

TO: Lehrman, Kronick & Lehrman
199 Main Street
White Plains, N.Y. 10601
(914) 761-4488

AFFIRMATION OF SERVICE

DAVID B. COHEN, an attorney admitted to practice in the Courts of the State of New York, affirms the following to be true, under the penalty of perjury:

That on the 26th day of June, 1990

Affirmant served the within:

ANSWER

upon: LEHRMAN, KRONICK & LEHRMAN

at: 199 MAIN STREET, WHITE PLAINS, NEW YORK 10601

attorneys for PETITIONER, JOHN McFADDEN

in this action by depositing a true copy of same in a post-paid properly addressed wrapper in an official depository under the exclusive care and custody of the United States Post Office within the State of New York directed to said attorneys at the address last furnished them or last known to your Affirmant.

Dated: White Plains, New York
June 26, 1990



DAVID B. COHEN

Index No. 651 Year 19 89
CITY COURT, CITY OF WHITE PLAINS
STATE OF NEW YORK

JOHN McFADDEN,

Petitioner,

-against-

DORIS L. SASSOWER and ELENA RUTH SASSOWER,

Respondents.

FILED
CITY COURT OF
WHITE PLAINS, N.Y.
90 JUN 26 PM 1:46

ANSWER

DORIS L. SASSOWER, P.C.

Attorney for Respondent Doris L. Sassower

Office and Post Office Address, Telephone

~~50 MAIN STREET, TENTH FLOOR~~

~~WHITE PLAINS, N.Y. 10606~~

~~(914) 882-2001~~

New Address:

283 Soundview Avenue
White Plains, N.Y. 10606
(914) 997-1677

To

Attorney(s) for

Service of a copy of the within

is hereby admitted.

Dated,

.....
Attorney(s) for

Sir:—Please take notice

NOTICE OF ENTRY

that the within is a (certified) true copy of a
duly entered in the office of the clerk of the within named court on

19

NOTICE OF SETTLEMENT

that an order
settlement to the HON.
of the within named court, at
on

of which the within is a true copy will be presented for
one of the judges

19 at

M.

Dated,

Yours, etc.

DORIS L. SASSOWER, P.C.

Attorney for

New Address:

283 Soundview Avenue
White Plains, N.Y. 10606

Office and Post Office Address

~~50 MAIN STREET, TENTH FLOOR~~

~~WHITE PLAINS, N.Y. 10606~~

To

Attorney(s) for

(914) 997-1677