

CITY COURT OF WHITE PLAINS
COUNTY OF WESTCHESTER STATE OF NEW YORK

16 LAKE STREET OWNERS, INC.,

Petitioner (Landlord)

-against-

JOHN McFADDEN,

Respondent (Tenant)
472 Clearmeadow Drive
East Meadow, N.Y. 11554.

GEORGE SASSOWER and ELENA
SASSOWER,

Respondent (Tenant)
16 Lake Street
White Plains, N.Y.

NOTICE OF
PETITION TO
RECOVER
REAL PRO-
PERTY

434/88

To the Respondents above named and described in possession of the premises hereinafter described, or claiming possession thereof:

TAKE NOTICE THAT a hearing on the annexed Petition to recover possession of said premises will be held on the 16th day of October, 1988 at 9:00 o'clock in the forenoon before the above named Court at 279 Hamilton Avenue, White Plains, New York.

TAKE FURTHER NOTICE that at the above time and place, you may enter a denial of the Petition either orally or in writing.

TAKE FURTHER NOTICE that demand is made in the Petition herein for judgment against you, the

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Respondent/Tenant and parties in possession for possession of Apartment 2C at 16 Lake Street, White Plains, New York.

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

Dated: White Plains, New York
October , 1988

16 LAKE STREET OWNERS, INC.

By


KATHERINE FIELD, President

LAWRENCE J. GLYNN
Attorney for Petitioner
Office and P.O. Address
Two William Street
White Plains, N.Y. 10601
914-761-0404

CITY COURT OF WHITE PLAINS
COUNTY OF WESTCHESTER STATE OF NEW YORK

16 LAKE STREET OWNERS, INC.,

VERIFIED PETITION

Petitioner(Landlord)

-against-

JOHN McFADDEN,

Respondent (Tenant)
472 Clearmeadow Drive
East Meadow, N.Y. 11554

GEORGE SASSOWER and ELENA
SASSOWER,

Respondent (Tenant)
16 Lake Street
White Plains, N.Y.

The Petition of 16 LAKE STREET OWNERS, INC. respectfully shows that:

1. Petitioner is owner and landlord of the premises known as apartment number 2C, 16 Lake Street, White Plains, New York. Petitioner is a New York State Cooperative Housing Corporation.

2. Respondent, John McFadden is the tenant of said premises who entered in possession thereof under written rental agreement of Proprietary Lease made on or about the 2nd day of August 1983. Said agreement provided for a term from August 2, 1983 until September 30, 2033 at a monthly rental to be determined by the action of the Board of Directors of the Petitioner, cooperative corporation.

3. Respondent, George Sassower and Elena Sassower are presently in possession of the aforesaid apartment Number 2C by

virtue of only a written "pre-closing occupancy clause" in an October 30, 1987 agreement between them and John McFadden for the purchase of John McFadden's shares in Petitioner corporation.

4. The premises are described as follows: Apartment 2C, 16 Lake Street, White Plains, New York, which is situated within the territorial jurisdiction of this Court.

5. The term for which said premises were rented by Respondent (tenant) John McFadden expired on September 15, 1988 by operation of law.

6. On September 9, 1988, Respondent (tenant) John McFadden was served with written Notice pursuant to the aforesaid lease that the occupation by the Sassowers of apartment 2C was in violation of McFadden's proprietary lease and that he had been so informed on July 6, 1988 and directed to correct that violation no later than August 8, 1988.

7. On September 9, 1988, Respondent (tenant) John McFadden was notified in writing that, since the aforesaid violation had not been corrected pursuant to section 31 of the aforesaid lease, the term thereof would expire on September 15, 1988 as if that were the date definitely fixed in the proprietary lease for the expiration of the term. The lease so provides.

8. In direct violation of the aforesaid proprietary lease, the occupancy of the aforesaid apartment 2C by George Sassower and Elena Sassower was commenced and continued without consent of Petitioner.

9. Upon information and belief, Respondent George Sassower is using and has used the premises for the practice of

law although he has been disbarred. Moreover, even if he were licensed to practice law, that activity would constitute a commercial use of the premises which is also in violation of the lease.

10. Respondents continue in possession of the premises without permission of the landlord, or of the Petitioner, after the expiration of said term.

11. That the tenancy is not subject to Emergency Tenants Protection Act or other rent control legislation.

12. WHEREFORE, Petitioner requests that a final judgment be made awarding to the Petitioner, possession of the premises and that a warrant issue to remove Respondents from possession of the premises together with reasonable attorneys fees, cost and disbursements.


Dated: White Plains, New York
October 6, 1988

16 Lake Street Owners, Inc.


By 
KATHERINE FIELD, PRESIDENT

STATE OF NEW YORK))
COUNTY OF WESTCHESTER) ss.:


KATHERINE FIELD being duly sworn deposes and says that deponent is the petitioner in the foregoing petition and has read said Petition and that the contents of said petition are true to the knowledge of deponent, except as to those matters therein stated to be alleged on information and belief, and as to those matters deponent believes the same to be true. That the reason this verification is not made by the Petitioner in person is that the Petitioner is a domestic corporation and your deponent is an officer thereof, to wit, its President, and that the information above stated is from the books and records of the corporation.


KATHERINE M. FIELD

Sworn to before me this
6th day of October, 1988.


Notary Public

LAWRENCE J. GLYNN
Notary Public, State of New York
No. 60-4513895
Qualified in Westchester County
Commission Expires May 31, 1989


LAWRENCE J. GLYNN
Attorney for Petitioner/Land
lord
Office and P.O. Address
Two William Street
White Plains, New York 10601