

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

Index No. L&T:

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CHARLES HENRY PROPERTIES LLC

_____/2014

Petitioner-Landlord

-against-

**NOTICE OF
VERIFIED PETITION**

**ABDEL RIGUMYE & PARVINA KABULOVA
336 East 56th Street, Apt. 4
New York, NY 10022**

**Non-Payment of Rent
Residential**

Respondents-Tenants,

“John Doe” and/or “Jane Doe.

Respondents-Undertenants.

**First and/or last name of Undertenant being fictitious and
unknown to Petitioner, person intended being in
possession of the premises described in this Petition.**
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To the Respondent(s) above named and described, in possession of the premises hereinafter described or claiming possession thereof:

PLEASE TAKE NOTICE that the annexed Petition of **CHARLES HENRY PROPERTIES LLC**, verified on February 7, 2014, requests a final judgment of eviction, awarding to the Petitioner possession of premises described as follows:

All rooms of Apartment/Unit 4, in premises known as and located at **336 East 56th Street**, New York, New York, State and City of New York, County of New York, as demanded in the Petition.

TAKE NOTICE also that demand is made in the Petition for judgment against you for the sum of **\$5,300.00**, with interest from December 2013, along with legal fees and expenses.

TAKE NOTICE also that within FIVE (5) days after service of this Notice of Petition upon you, you must answer, either orally before the clerk of this Court at 111 Centre Street, 2nd floor clerk's office, County of New York, City and State of New York, 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. Your answer may set forth any defense or counterclaim you may have against the Petitioner. On receipt of your answer, the Clerk will fix and give notice of the date for trial or hearing which will be held not less than three

(3) nor more than eight (8) days thereafter, at which you must appear. If, after the trial or hearing, judgment is rendered against you, the issuance of a warrant dispossessing you may, in the discretion of the Court, be stayed for five (5) days from the date of such judgment.

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 you fail to answer and appear, final judgment by default will be entered against you, but a warrant dispossessing you will not be issued until the tenth day following the date of the service of this Notice of Petition upon you.

TAKE NOTICE that under Section 745 of the Real Property Actions and Proceedings Law, you may be required by the Court to make a rent deposit, or a rent payment 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 rent 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, if you are dependent on a person in military service of the United States of the State of New York, advise the clerk immediately in order to protect your rights.

Dated: New York, New York
February 7, 2014

Clerk of the Civil Court of the City of New York

VERNON & GINSBURG, LLP
Attorneys for Petitioner-Landlord
261 Madison Avenue, 26th Floor
New York, NY 10016
Tel: (212) 949-7300
Fax: (212) 697-4432
Attn: Darryl M. Vernon

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unknown to Petitioner, person intended being in
possession of the premises described in this Petition.**

-----X
Petitioner CHARLES HENRY PROPERTIES, LLC, by its attorneys Vernon & Ginsburg, LLP, respectfully alleges that:

1. Petitioner CHARLES HENRY PROPERTIES, LLC is the Owner and Landlord of the premises described below (the "premises"). Petitioner is a New York limited liability company authorized to do business in New York.

2. Respondents-Tenants ABDEL RIGUMYE & PARVINA KABULOVA occupy the premises pursuant to a Lease Agreement most recently renewed on April 19, 2013 between Respondent and the Petitioner, wherein Respondent agreed to pay to Petitioner rent each month in advance on the first day of each month.

3. The premises from which removal is sought were rented for residential purposes and are described as follows:

All rooms of Apartment/Unit 4, in premises known as and located at **336 East 56th Street**, New York, New York, State and City of New York, County of New York.

4. Said premises are situated within the territorial jurisdiction of this Court.

5. Pursuant to the parties' lease agreement there was due to the Petitioner from Respondent rent for the period of December 2013 and January 2014 in the following amounts:

<u>Month</u>	<u>Amount</u>	<u>Late Fees</u>
December 2013 Rent	\$2,600.00	\$50.00
January 2014 Rent	\$2,600.00	\$50.00
GRAND TOTAL:		\$5,300.00

6. Such rent has been demanded by service of a written three day demand (a copy of which is incorporated herein with proof of service) from the Respondents–Tenants since the same became due.

7. Respondents–Tenants have defaulted in the payment of such rent, pursuant to the agreement under which the premises are held.

8. Respondents continue to be in possession of the Premises without Landlord's permission after such default and after the demand for rent was made.

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

10. The dwelling is not subject to the City Rent and Rehabilitation Law or the Rent Stabilization Law of 1969, as amended, because the premises was lawfully deregulated under high income high rent deregulation laws. .

11. 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 in which the owner has designated the managing agent named below, a natural person over twenty-one years of age, to be in control of and responsible for the maintenance and operation of the dwelling:

Multiple Dwelling Registration Number:	14417
Registered Managing Agent:	Claude Simon
Business Address:	CHARLES HENRY PROPERTIES LLC 245 Fifth Avenue, 3 rd Floor New York, NY 10001
Telephone Number:	(212) 683-9300

12. Under the terms of Lease Paragraph 23 and Rider Paragraph 27, Petitioner is further entitled to recover from Respondent such costs, disbursements and attorneys' fees

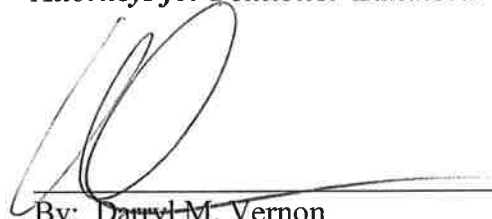
incurred by the Petitioner, the total amount of such costs and fees to be determined by the Court at a hearing or trial.

13. Respondent and all other occupants owe petitioner the fair and reasonable value of respondent's and all other occupants' use and occupancy of the premises from February 2014 to the date that petitioner takes possession, as well as any arrears owed for the premises for the period prior to February 2014.

WHEREFORE, Petitioner requests a final judgment awarding Petitioner: (a) possession of the Premises with the issuance of a warrant to remove Respondents from possession of the premises; (b) a money judgment against the Respondent-Tenants in the amount of \$5,300.00 with interest thereon from the due date of each monthly payment; (c) the fair market value use and occupancy from February 2014 until possession is gained by Petitioner; and (d) legal fees, costs, disbursements, and such other and further relief as is proper..

Dated: New York, New York
February 7, 2014

VERNON & GINSBURG LLP
Attorneys for Petitioner-Landlord

A handwritten signature in dark ink, appearing to be 'Darryl M. Vernon', is written over a horizontal line.

By: Darryl M. Vernon
261 Madison Avenue, 26th Floor
New York, NY 10016
Tel: (212) 949-7300
Fax: (212) 697-4432


VERIFICATION

DARRYL M. VERNON, an attorney admitted to practice before the Courts of the State of New York affirms:

I am the attorney for Petitioner Charles Henry Properties LLC in the within action, and have read the foregoing Petition and knows the contents thereof to be true, except as to those matters alleged on information and belief. This verification is made pursuant to RPAPL §741. The sources of deponent's knowledge and the grounds of his belief as to all matters therein stated are records, investigations and reports in deponent's possession, and from records in the file and communications with the Petitioner.

The undersigned affirms that the foregoing statements are true under penalties of perjury.

Dated: New York, New York
February 7, 2014


A handwritten signature in dark ink, consisting of a stylized 'D' followed by a long, sweeping horizontal line that curves slightly upwards at the end.

DARRYL M. VERNON

TO: ABDEL RIGUMYE PARVINA KABULOVA
336 E. 56th Street, Apt. 4 336 E. 56th Street, Apt. 4
New York, NY 10016 New York, NY 10016

Vernon & Ginsburg LLP
261 Madison Avenue,
New York, NY 10016.
Tel: (212) 949-7300
Fax: 212-697-4432
Email: dvernon@vgllp.com.

336 East 56th Street Realty, LLC

444 Madison Avenue, Suite 1805
New York, NY 10022

Telephone: (212) 759-1200
Facsimile: (212) 317-8717

November 26, 2013

Tenant
336 East 56th Street
New York, NY 10022

RE: Transfer of Ownership
336 East 56th Street

Dear Sir/Madam:

Please be advised that, effective November 26, 2013, title to the above referenced premises was transferred, and in connection therewith, all right, title and interest in and to your Lease and/or occupancy agreement and all rent due, and past due thereunder, was transferred to the Purchaser, Charles Henry Properties, LLC.

Please direct, all rent and other payments required to be made under your Lease or otherwise with respect to your occupancy of the Premises, including rent for the month of December 2013 all additional rent and all arrears which are and shall be due and owing under the Lease and all notices or inquiries to landlord, should be directed to the following:

Charles Henry Properties, LLC
254 Fifth Avenue
3rd Floor
New York, NY 10001

336 East 56th Street Realty, LLC

By: [Signature]
Name:
Title:

Charles Henry Properties, LLC

By: Claude Simon
Name: Claude Simon
Title: President

AFFIDAVIT OF SERVICE

Charles Henry Properties, LLC.

Plaintiff,

-against-

Abdel Rigumye & Parvina Kabulova

Defendant(s).

Michael Gorman, being duly sworn, deposes and says that deponent is over the age of eighteen years and is not a party in this proceeding. Deponent served a true copy of **Letter Dated November 26, 2013 & Three Day Rent Demand**.

In the above entitled proceeding, such service having been made in the following manner stated herein; and said person being the proper and authorized person to be served in this proceeding, the name of said person, complete address, time and date is as follows: **Abdel Rigumye, 336 East 56th Street, Apt 4, New York, New York 10016, 12:56 on 01/27/2014.**

By delivering to and leaving personally with, **Co-Tenant, Parvina Kabulova** on the person to be served and associated with **Him** and after conversing with **Her**, deponent

Deponent also enclosed a copy of same in a postpaid sealed wrapped properly addressed to the above recipient at **336 East 56th Street, Apt 4, New York, New York 10016** and deposited said wrapper in (a post office) official depository under exclusive care and custody of the United States Postal Services within New York State **Mailed on January 28, 2014 Certified Mail (7013 1090 0000 8546 4110) and First Class Mail, Envelope Marked "Personal and Confidential."**

Deponent further states upon information and belief that said person so served is not in the Military Service of the State of New York or of the United States as the term is defined in either the State or Federal statutes.

Deponent further states that he describes the person actually served as follows:

<u>Gender</u>	<u>Skin Color</u>	<u>Hair Color</u>	<u>Age</u>	<u>Height</u>	<u>Weight</u>	<u>Other Features</u>
F	Brown	Black	25-30	5'0-5'3	100-130	N/A

GPS PHOTO



Property Description: Multi family home, glass and steel door.
Process Server License No. 1381333

Sworn to before me this 28 day
of Jan, 20 14.

Caroll Ramsey

Caroll Ramsey - Notary Public
State of New York
No. 01RA6028190
Qualified in Nassau County
Commission Expires July 26, 2017

Michael Gorman

01/28/2014



Undisputed Legal Inc.

AFFIDAVIT OF SERVICE

Charles Henry Properties, LLC.

Plaintiff,

-against-

Abdel Rigumye & Parvina Kabulova,

Defendant(s).

Michael Gorman, being duly sworn, deposes and says that deponent is over the age of eighteen years and is not a party in this proceeding. Deponent served a true copy of **Letter Dated November 26, 2013 & Three Day Rent Demand**.

In the above entitled proceeding, such service having been made in the following manner stated herein; and said person being the proper and authorized person to be served in this proceeding, the name of said person, complete address, time and date is as follows: **Parvina Kabulova, 336 East 56th Street, Apt 4, New York, New York 10016, 12:56 on 01/27/2014.**

By delivering to and leaving personally with **Parvina Kabulova** known to the deponent to be the same person mentioned and described in the above named proceeding as the person to be served.

Deponent also enclosed a copy of same in a postpaid sealed wrapped properly addressed to the above recipient at **336 East 56th Street, Apt 4, New York, New York 10016** and deposited said wrapper in (a post office) official depository under exclusive care and custody of the United States Postal Services within New York State **Mailed on January 28, 2014 Certified Mail (7013 1090 0000 8546 4103) and First Class Mail, Envelope Marked "Personal and Confidential."**

Deponent further states upon information and belief that said person so served is not in the Military Service of the State of New York or of the United States as the term is defined in either the State or Federal statutes.

Deponent further states that he describes the person actually served as follows:

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F	Brown	Black	25-30	5'0-5'3	100-130	N/A

GPS PHOTO



Property Description:Multi family home, glass and steel door.
Process Server License No.1381333

Sworn to before me this 28 day

of Jan, 2014.

Carol Ramsey

Michael Gorman

Michael Gorman

01/28/2014

Carol Ramsey - Notary Public
State of New York
No. 01RA6028190
Qualified in Nassau County
Commission Expires July 26, 2017



Undisputed Legal Inc.

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Respondents-Tenants,

and

“John Doe” and/or “Jane Doe.

Respondents-Undertenants.

NOTICE OF VERIFIED PETITION & VERIFIED PETITION

VERNON & GINSBURG LLP
Attorneys for Petitioner-Landlord
261 Madison Avenue, 26th Floor
New York, NY 10016
Tel: (212) 949-7300

TO:

ABDEL RIGUMYE
336 East 56th Street, Apt. 4
New York, NY 10022

PARVINA KABULOVA
336 East 56th Street, Apt. 4
New York, NY 10022

Service of a copy of the within is hereby admitted:

Date: _____
Time: _____

Date: _____
Time: _____

Signature: _____
Print Name Beneath

Signature: _____
Print Name Beneath