

People v Smartdwell Estates Inc.
2026 NY Slip Op 30898(U)
March 11, 2026
Supreme Court, New York County
Docket Number: Index No. 453772/2025
Judge: Joel M. Cohen
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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: COMMERCIAL DIVISION PART 03M

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PEOPLE OF THE STATE OF NEW YORK, BY LETITIA
JAMES, ATTORNEY GENERAL OF THE STATE OF NEW
YORK

INDEX NO. 453772/2025

MOTION DATE 12/18/2025

MOTION SEQ. NO. 001

Petitioner,

- v -

SMARTDWELL ESTATES INC.,

**DECISION + ORDER ON
MOTION**

Respondent.

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HON. JOEL M. COHEN:

The following e-filed documents, listed by NYSCEF document number (Motion 001) 4, 10
were read on this motion for DISSOLUTION.

The People of the State of New York, by their attorney, Letitia James, Attorney General of the State of New York (“NYAG”) filed a Petition pursuant to Executive Law § 63(12) against Respondent SMARTDWELL ESTATES INC. (“Respondent”), seeking to dissolve Respondent; permanently enjoin Respondent from continuing any fraudulent or illegal acts; and issuing an order directing that the name and address listed as the name and address for service of process for Respondent shall not appear in the Entity Information search results page for online searches of the Department of State’s Division of Corporations, Corporation and Business Entity Database for Respondent. Respondent has not responded, filed an answer, or otherwise appeared in this action. For the following reasons, NYAG’s unopposed Petition is granted.

Executive Law § 63(12) provides for relief upon petition by the NYAG “whenever any person shall engage in repeated fraudulent or illegal acts or otherwise demonstrate persistent fraud or illegality in the carrying on, conducting or transaction of business.” Executive Law §

63(12) defines “fraud” and “fraudulent” to include “any device, scheme or artifice to defraud and any deception, misrepresentation, concealment, suppression, false pretense, [or] false promise.”

The NYAG has broad investigatory and enforcement powers under Section 63(12) (*People by James v Richmond Capital Group LLC*, 80 Misc 3d 1213(A) [Sup Ct New York County 2023] [collecting cases]).

The NYAG has established that Respondent’s Certificate of Incorporation misrepresents the address at which Respondent may receive process from the Secretary of State. Specifically, the Certificate of Incorporation for SMARTDWELL ESTATES INC., filed on November 23, 2025, lists an address in Bayside, New York as the designated agent for any service of process (NYSCEF 2).

However, according to the complaint/affirmation filed by a Non-Party with the NYAG’s Bureau of Consumer Frauds and Protection, the Bayside address listed in the Certificate of Incorporation is not affiliated with the Respondent, and the Non-Party did not authorize the use of their personal home address in connection with Respondent’s formation (*see* NYSCEF 3). The Non-Party submits that “SMARTDWELL ESTATES INC. is using my address for its business without my permission, and I am concerned that this impermissible use will interfere with my property” (*id.*). According to the Petition, Respondent’s false filing has caused harm to the Non-Party, whose address Respondent has wrongly adopted, as well as to the Department of State and anyone else who attempts to contact Respondent (NYSCEF 1).

Since the record demonstrates (without opposition) that Respondent has provided a false address for service upon SMARTDWELL ESTATES INC., and there is no other address listed for SMARTDWELL ESTATES INC., NYAG has filed an affirmation of service of the Petition and supporting papers on Respondent through the Secretary of State (NYSCEF 10).

Accordingly, it is

ORDERED that the NYAG's unopposed Petition is **GRANTED**; it is further

ORDERED that Respondent SMARTDWELL ESTATES INC. is permanently enjoined from continuing any fraudulent or illegal acts including but not limited to maintaining fraudulent Articles of Organization; it is further

ORDERED, ADJUDGED, and DECREED that, pursuant to Executive Law 63(12), Respondent SMARTDWELL ESTATES INC. shall be dissolved forthwith because of persistent fraud in the carrying on of its business, specifically by filing fraudulent articles of organization with the Department of State; it is further

ORDERED that the Clerk of Court enter judgment in favor of Petitioner and against Respondent; it is further

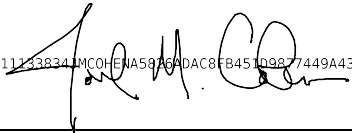
ORDERED, ADJUDGED, and DECREED that the Clerk of the Court shall provide a certified copy of this Order and Judgment to the Attorney General, and it is further

ORDERED, ADJUDGED, and DECREED that the Attorney General shall transmit a certified copy of the Order and Judgment to the Department of State, which, by filing a copy of the same, shall dissolve SMARTDWELL ESTATES INC. and remove the address of the current registered agent from its public records, including from the Department of State's Division of Corporations and Corporation and Business Entity Database; and it is further

ORDERED that the NYAG serve a copy of this Decision and Order with notice of its entry on the Non-Party within ten (10) days of the date of this Order.

This constitutes the decision and order of the Court.

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JOEL M. COHEN, J.S.C.

3/11/2026
DATE

CHECK ONE:	<input checked="" type="checkbox"/>	CASE DISPOSED	<input type="checkbox"/>	NON-FINAL DISPOSITION
	<input checked="" type="checkbox"/>	GRANTED	<input type="checkbox"/> DENIED	<input type="checkbox"/> GRANTED IN PART
APPLICATION:	<input type="checkbox"/>	SETTLE ORDER		<input type="checkbox"/> OTHER
CHECK IF APPROPRIATE:	<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN	<input type="checkbox"/>	FIDUCIARY APPOINTMENT
			<input type="checkbox"/>	REFERENCE