

**Manhattan Luxury Autos., Inc. v Cook**

2026 NY Slip Op 30966(U)

March 12, 2026

Supreme Court, New York County

Docket Number: Index No. 650854/2026

Judge: Judy H. Kim

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This opinion is uncorrected and not selected for official publication.

SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: HON. JUDY H. KIM PART 04

Justice

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MANHATTAN LUXURY AUTOMOBILES, INC. D/B/A
LEXUS OF MANHATTAN,

Plaintiff,

INDEX NO. 650854/2026

MOTION DATE 02/11/2026

MOTION SEQ. NO. 001

- v -

LEVERNE COOK, NAVY FEDERAL CREDIT UNION,

Defendants.

DECISION + ORDER ON MOTION

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The following e-filed documents, listed by NYSCEF document number (Motion 001) 2, 21, 22, 23, 24
were read on this motion for SEIZURE/REPLEVIN

Upon the foregoing documents, plaintiff's motion for an order of seizure is granted on
default and for the reasons set forth in plaintiff's motion papers.

Where, as here, a party seeks an order directing the Sherrif to seize certain chattel, it must
submit an undertaking and an affidavit establishing to the Court's satisfaction "that it is probable
the plaintiff will succeed on the merits ..." (CPLR 7102[d]). To do so, this affidavit must, inter
alia: (1) identify the chattel to be seized; (2) establish the plaintiff's entitlement to possession and
that the chattel is wrongly held by defendant; (3) establish the value of such chattel; and (5) where,
as here, plaintiff seeks authorization for the Sheriff to break open, enter and search for the chattel,
the place where the chattel is located and facts sufficient to establish probable cause to believe that
the chattel is located at that place (CPLR 7102[c]). The undertaking must be in an amount at least
twice the value of the chattel as stated in the plaintiff's affidavit (CPLR 7102[d]).

Here, plaintiff has demonstrated its likelihood of success on the merits and the absence of
a valid defense to its claim through the contract of sale for a 2025 Lexus NX350H (VIN #

2T2HKCEZXSCO57221) (the “Vehicle”) between plaintiff and defendant Leverne Cook (NYSCEF Doc No. 7) and the affidavit of Daniel Leach, General Manager of Plaintiff, attesting that: (1) Cook has not made any payments for the Vehicle, despite multiple demands for same; (2) the Vehicle is located at or near Cook’s residence at 61-20 Grand Central Parkway, Apt 400, Forest Hills, New York, the address listed on Cook’s driver’s license; and (3) the estimated value of the Vehicle is \$50,000.00 (NYSCEF Doc No. 5).

Accordingly, it is

**ORDERED** that plaintiff Manhattan Luxury Automobiles, Inc. d/b/a Lexus of Manhattan’s motion for an order of seizure pursuant to CPLR 7102 is granted; and it is further

**ORDERED and ADJUDGED** that plaintiff Manhattan Luxury Automobiles, Inc. d/b/a Lexus of Manhattan has a superior right to possession of the 2025 Lexus NX350H (VIN #2T2HKCEZXSCO57221), and that neither Leverne Cook nor Navy Federal Credit Union have a lawful right to retain possession of or encumber the 2025 Lexus NX350H (VIN #2T2HKCEZXSCO57221); it is further

**ORDERED and ADJUDGED** that plaintiff Manhattan Luxury Automobiles, Inc. d/b/a Lexus of Manhattan is entitled to immediate possession of the 2025 Lexus NX350H (VIN #2T2HKCEZXSCO57221); and it is further

**ORDERED** that defendant Navy Federal Credit Union is directed to immediately execute and deliver any and all documents necessary to release any lien or security interest recorded against the 2025 Lexus NX350H (VIN #2T2HKCEZXSCO57221), including but not limited to the execution of any required New York State Department of Motor Vehicles form; and it is further

**ORDERED** that the New York State Department of Motor Vehicles is authorized to transfer, alter, amend, and/or modify the title of 2025 Lexus NX350H (VIN

#2T2HKCEZXSCO57221) to remove defendant Leverne Cook and to transfer free and clear title to said vehicle to Plaintiff; and it is further

**ORDERED** that defendants are restrained and enjoined from transferring, hypothecating, selling, pledging, assigning, removing or discarding the 2025 Lexus NX350H (VIN #2T2HKCEZXSCO57221) or encumbering that vehicle with a lien, security interest or other encumbrance; and it is further

**ORDERED** that defendant Leverne Cook is directed to immediately surrender and turn over possession of the 2025 Lexus NX350H (VIN #2T2HKCEZXSCO57221) to the Sheriff and/or plaintiff upon demand; and it is further

**ORDERED** that should defendant Leverne Cook fail to surrender the 2025 Lexus NX350H (VIN #2T2HKCEZXSCO57221) upon demand, the Sheriff of any county of the State of New York in which this vehicle is found shall, upon service upon him or her of a certified copy of this order, the papers on which this order was granted, and proof of plaintiff's undertaking in the amount of \$100,000.00, seize the chattel at issue, to wit the 2025 Lexus NX350H (VIN #2T2HKCEZXSCO57221); and it is further

**ORDERED** that the Sheriff is authorized and directed to take all steps necessary to seize the 2025 Lexus NX350H (VIN #2T2HKCEZXSCO57221) and execute this mandate, including, if the Vehicle is not delivered to said Sheriff, breaking open, entering and/or searching any premises, place, building or structure in which the Vehicle may be located—including any parking facilities/structures associated with defendant Leverne Cook's last known residence, 61-20 Grand Central Parkway, Apt 400, Forest Hills, New York—and breaking a lock to enter said premises, place, building or structure, and removing any obstacle or obstacles which may be blocking the Vehicle; and it is further

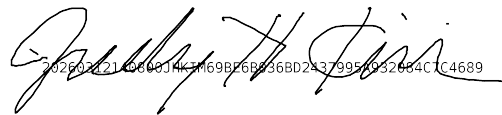
**ORDERED** that the Sheriff shall, after such seizure, hold the Vehicle pursuant to CPLR Article 71; and it is further

**ORDERED** that plaintiff shall, within five days of the date of this decision, order, and judgment, serve a copy of same with notice of entry upon defendants by first class mail; and it is further

**ORDERED** that plaintiff shall serve a copy of this decision, order, and judgment, with notice of entry, upon the Clerk of the Court, who is directed to enter judgment accordingly; and it is further

**ORDERED** that such service upon the Clerk of the Court and the Clerk of the General Clerk's Office shall be made in accordance with the procedures set forth in the *Protocol on Courthouse and County Clerk Procedures for Electronically Filed Cases* (accessible at the “e-filing” page on this court’s website).

This constitutes the decision and order of the Court.



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3/12/2026

DATE

HON. JUDY H. KIM, J.S.C.

CHECK ONE:

CASE DISPOSED

NON-FINAL DISPOSITION

GRANTED

DENIED

GRANTED IN PART

OTHER

APPLICATION:

SETTLE ORDER

SUBMIT ORDER

CHECK IF APPROPRIATE:

INCLUDES TRANSFER/REASSIGN

FIDUCIARY APPOINTMENT

REFERENCE