

Marone v Kally

2014 NY Slip Op 33275(U)

July 2, 2014

Supreme Court, Queens County

Docket Number: 26535/2007

Judge: Sidney F. Strauss

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This opinion is uncorrected and not selected for official publication.

SHORT FORM ORDER

NEW YORK SUPREME COURT - QUEENS COUNTY

Present: HONORABLE SIDNEY F. STRAUSS
Justice

IA PART 11

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FREYA MARONE, As Executrix of the Estate
of FRANKLIN K. MARONE a/k/a FRANKLIN
MARONE, deceased and LILIANA MARONE,

Index No.: 26535/2007

OTSC Date: June 16, 2014

Plaintiffs.

Seq. No.: 4

-against-

CHARLES M. KALLY, MIMI M. KALLY
and ATTORNEY GENERAL ANDREW
W. CUOMO,

Defendants.

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The following papers numbered 1 to 4 were read on the order to show cause of the plaintiffs, seeking an order directing the Clerk of the Supreme Court, Queens County, to enter an Amended Judgment in favor of the plaintiffs.

PAPERS
NUMBERED

OTSC - Affirmation - Exhibits..... 1 - 3
Opposition Affirmation..... 4

Plaintiffs seek an order, pursuant to a Decision and Order from the Appellate Division, Second Department, amending a prior judgment in their favor by directing that the Clerk of the Supreme Court, Queens County, enter an Amended Judgment in favor of the plaintiffs as against the defendants, Charles M. Kally and Mimi M. Kally, in the amount of \$7,320.00 for compensatory damages plus costs and disbursements associated with the trial and appeal of this action, with interest from July 31, 2007. The instant order to show cause is granted, the County Clerk shall enter the Amended Judgment in favor of Plaintiffs, as owners by adverse possession, that strip of land six inches wide and 115.4 feet long, extending from Plaintiffs' property upon the Defendants' property located at 240 Ridge Road, Douglaston, New York 11363.

The Clerk of the Supreme Court of the Queens County shall correct the deeds of both plaintiffs' and defendants' real property, to reflect the descriptions of each, as amended by the Appellate Division determination. According to the Decision and Order of the Appellate

Division, Second Department, “the first and third causes of action are reinstated insofar as asserted as against the defendants Charles M. Kally and Mimi M. Kally.” Paragraph 23 of plaintiffs’ first cause of action seeks to amend defendants’ deed, amending the meets and bounds description of said deeds to reflect the ownership by the plaintiffs, of the additional portion by adverse possession.

Plaintiffs are directed to serve and file a copy of this Order and Judgment, along with Notice of Entry, upon the Clerk of the Court and the defendants, within 30 days of the date of this Order.

Dated: July 2, 2014

SIDNEY F. STRAUSS, J.S.C.