

Kings Org. LLC. v Citi Abstract, LLC.

2019 NY Slip Op 31800(U)

June 21, 2019

Supreme Court, New York County

Docket Number: 150261/2019

Judge: Lynn R. Kotler

Cases posted with a "30000" identifier, i.e., 2013 NY Slip Op 30001(U), are republished from various New York State and local government sources, including the New York State Unified Court System's eCourts Service.

This opinion is uncorrected and not selected for official publication.

At IAS Part 8 of the Supreme Court
of the State of New York, held in and for
the
County of New York at the courthouse
thereof located at 80 Centre Street, New
York,
New York, on 6/21/19,
~~2019~~.

HON. LYNN R. KOTLER
Justice. **J.S.C.**

P R E S E N T : Hon.

-----X
The Kings Organization LLC.

Index No. 150261/2019

Plaintiff,

-against-

JUDGMENT/ORDER

Citi Abstract, LLC., Tom Sheehan, AM Property
Development & Holdings Corp., Phylicia R. Charran,
Stephan Defazio, their respective successors, assigns,
distributees, heirs-at-law, next of kin and legal
representatives, New York State Department of Taxation
and Finance, New York City Department of Finance Office
of the City Register, Internal Revenue Service and John Doe
and Jane Doe the persons or parties intended being the tenants,
occupants, persons, entities, or corporations, if any,
having or claiming an interest in or lien upon the premises,
described in the complaint,

Defendants,

-----X

Plaintiff, The Kings Organization LLC., having moved this Court, by notice of motion
dated April 3, 2019, for default judgment pursuant to CPLR §3215, under the First, Second,
Third, Fifth and Sixth Causes of Action contained in Plaintiff's Verified Complaint dated
January 9, 2019, and an Order (a) quieting title to that certain parcel of real property known as

and by the street number 1369 E. 94th Street, also known as Block 8240, Lot 21 on the tax map of the City of New York, in and for Kings County (the “Property”), (b) declaring that Plaintiff is the true owner of the Property, (c) rescinding that certain deed (the “Fraudulent Deed”) under and pursuant to which Defendant AM Property Development & Holdings Corp. (“Defendant AM”) alleges title to the Property, (d) requiring Defendant New York City Department of Finance Office of the City Register to remove the Fraudulent Deed of record, (e) requiring Defendant AM, Defendant Phylcia R. Charran and Stephan Defazio to account for any and all monies they received and collected from the Property, and (f) imposing a constructive trust upon Defendants AM, Charran and Defazio that all sums in their possession from and related to the Property belong to Plaintiff, and upon the Affidavit of Joseph Makhani, managing member of Plaintiff LLC, sworn to the 2nd day of April, 2019, and upon the Affirmation of James P Demetriou, Esq. dated April 2, 2019, both in support of the motion with exhibits, and due service of the Summons and Verified Complaint having been effected and filed, and the Defendants AM Property Development & Holdings Corp., Phylcia R. Charran, Stephan Defazio, New York State Department of Taxation and Finance, New York City Department of Finance Office of the City Register, Internal Revenue Service and John Doe and Jane Doe having failed to appear, answer or move against the Verified Complaint and thereby having defaulted, and there being no opposition to the motion, and the motion having regularly come on to be heard, and after due deliberation thereon,

NOW, on motion of James P Demetriou, Esq., attorney for Plaintiff, it is hereby

ORDERED that Plaintiff, The Kings Organization LLC, is hereby declared to be the sole owner, in fee simple, and entitled to full rights of possession and occupancy of the real property

known as and by the street number 1369 E. 94th Street, also known as Block 8240, Lot 21 on the tax map of the City of New York, in and for Kings County (the "Property"), more particularly bounded and described as follows:

All that certain plot, piece or parcel of land, situate, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, bounded and described as follows:

BEGINNING at a point on the easterly side of East 94th Street, distant 312' 6 7/8" southerly from the corner formed by the intersection of the southerly side of Avenue K with the easterly side of East 94th Street;

RUNNING THENCE southerly along the easterly side of East 94th Street 22 feet to a point;

THENCE easterly and at right angles to the easterly side of East 94th Street and part of the distance through a party wall 100 feet to a point;

THENCE northerly and parallel with East 94th Street 22 feet to a point;

THENCE westerly and again at right angles to East 94th Street 100.00 feet to the easterly side of East 94th Street to the point or place of BEGINNING,

and it is further

ORDERED, ADJUDGED AND DECREED, that the Plaintiff, The Kings Organization LLC. be deemed seized of the above-described premises in fee simple absolute, free and clear of any claim of Defendants Citi Abstract, LLC., Tom Sheehan, AM Property, Development & Holdings Corp., Phylicia R. Charran, Stephan Defazio, their respective successors, assigns, distributees, heirs-at-law, next of kin and legal representatives, New York State Department of Taxation and Finance, New York City Department of Finance Office of the City Register, Internal Revenue Service and John Doe and Jane Doe, such persons or parties intended being the tenants, occupants, persons, entities, or corporations, if any, having or claiming an interest in or lien upon the Property, and it is further

ORDERED, that the City Register of the County of Kings upon presentation to him or her of a certified copy of this Judgment and upon payment of his or her lawful fess shall record this

Judgment against the above-described real property (Block 8240 and Lot 21), and it is further

ORDERED, that that certain deed (the "Fraudulent Deed") dated July 31, 2017 by Stephen Defazio as grantor to AM Property Development & Holdings Corp. as grantee, recorded October 6, 2017 under CRFN 2017000371441, intending to convey title to the Property be, and the same is hereby, rescinded, and it is further

ORDERED, that the City Register of the County of Kings shall remove of record the Fraudulent Deed, and it is further

ORDERED, that Defendants Phylicia R. Charran, AM Property Development & Holdings Corp. and Stephan Defazio shall account to Plaintiff, within thirty (30) days after service upon them of a copy of this Order, for all monies had and received by said Defendants' as a result of their possession, occupancy and/or operation of the Property, and it is hereby

ORDERED, that a constructive trust is hereby imposed upon Defendants Phylicia R. Charran, Am Property Development & Holdings Corp. and Stephan Defazio, for the benefit of Plaintiff, for any and all monies had and received by said Defendants as a result of their possession, occupancy and/or operation of the Property.

ENTER:



HON. LYNN R. KOTLER, J.S.C.
J.S.C.