

**Quincy 210 LLC v Williams**

2025 NY Slip Op 31988(U)

May 23, 2025

Supreme Court, Kings County

Docket Number: Index No. 522722/2016

Judge: Richard J. Montelione

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This opinion is uncorrected and not selected for official publication.

At IAS Part 99 of the Supreme Court of the State of New York, held in and for the County of Kings, at the Courthouse located at 360 Adams Street, Brooklyn, NY 11201, on the 23 day of May 2025.

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS: PART 99

**DECISION &  
ORDER**

-----X  
QUINCY 210 LLC,

Plaintiff,  
-against-

Index No.: 522722/2016  
Mot. Seq. No.: 19

CARMEN WILLIAMS, WARREN JOHNSON,  
JOHNNY WILLIAMS, and THE PUBLIC ADMINISTRATOR  
OF KINGS COUNTY as the Administrator of the Estate of IDA  
HARRIS JOHNSON, Deceased,

Defendants.

-and-

STAN ULIS, ESQ,

Nominal Defendant.  
-----X

After oral argument, the following papers were read on this motion pursuant to CPLR 2219(a), and additional evidence where noted was considered at a hearing:

<u>Papers</u>	NYSCEF DOC. #
Notice of Motion/Affirmation in Support/Affidavit in Support/Statement of Material Facts/Exhibits A-I & A-B/Memorandum of Law In Support .....	345-362
Memorandum of Law In Opposition/Response to Statement of Material Facts/Exhibits A-O .....	364-380
Reply Affirmations/Memorandum of Law In Reply .....	381-386
Supplemental Affirmations/Exhibits A-B, A-D .....	389-400
King's County Public Administrator's Supplemental Affirmation	401
Affirmation in Further Support/Exhibit A	402-403

MONTELIONE, RICHARD J., J.

Plaintiff Quincy 210 LLC commenced the above-captioned action on December 21, 2016, seeking declaratory and other relief, claiming that it owns certain real property located at 210 Quincy Street, Brooklyn, NY 11216. Issue was joined by all defendants with various

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counterclaims involving fraud regarding the purported sale by defendant Johnny Williams by power of attorney on behalf of an allegedly infirm Ida Harris Johnson (Ida Johnson), now deceased.

Plaintiff moved by Notice of Motion for an order pursuant to CPLR 3212 and 3001, and Real Property Actions and Proceedings Law Article 15 (motion seq. no. 19) seeking a declaration that it is the rightful owner, in fee simple absolute, of the real property located at 210 Quincy Street, Brooklyn, NY 11216, Block 1807, Lot 28 (subject premises) as a result of a deed dated November 18, 2016, between Ida Harris Johnson, by Johnny Williams through a Power of Attorney, to plaintiff (Quincy Deed). (NYSCEF Doc. No. 358). Plaintiff further seeks to declare null and void a deed dated May 17, 2016, from Ida Johnson, now deceased, to Warren Johnson (Warren Deed), and recorded with the Office of the City Register of the City of New York on November 21, 2016. (NYSCEF Doc. No. 354). Further, plaintiff seeks an order prohibiting defendant Warren Johnson, “and any and all other persons claiming under him” from gaining an interest in or to the Premises.

By Order dated September 20, 2024, the motion was granted to the extent that “the court will hold a hearing on November 6, 2024, to determine and declare the rights of the parties.” (NYSCEF Doc. No. 387). The plaintiff argues that the Warren Deed was fatally defective as it was not executed before a notary public; it was allegedly signed by Ida Johnson and the signed instrument was taken to a notary public where it is undisputed that Ida Johnson was not present, yet the deed was notarized as if she were present. (NYSCEF 355, Tr. at 20, lines 17-22). The recording of this deed is inconsequential as the deed itself was a nullity. *See, Galetta v. Galetta*, 21 N.Y.3d 186, 192 (Ct. Ap. 2013). The Kings County Public Administrator argued that the power of attorney that Johnny Williams utilized to transfer the Premises (Quincy Deed) was defective, and therefore the deed was void. However, the court found otherwise inasmuch as the prima facie showing of proper acknowledgement was never rebutted.

At the hearing held on November 6, 2024, Defendant Warren Johnson, representing himself, argued that the Quincy Deed, was void and asked “who are these person who notarized false signatures; my signature, my sister’s signature? Show me a paper where my sister walked out of the nursing home in November of 2016 to sign papers to some Johnny Williams and she in a wheelchair and a gas tank.” (Tr. at 8). Remarkably, all the checks drafted by Ida Johnson’s counsel were deposited into counsel’s escrow account and thereafter disbursed by checks made payable to “Johnny Williams” personally even though the contract specifies the seller “Ida Johnson.” The buyer was originally “Silver Shore Properties LLC,” but the contract was subsequently assigned to plaintiff. (Exhibit 4). The closing papers reflect “Johnny Williams with Power of Attorney for Ida Johnson.” (Exhibit 1).

At the conclusion of the November 6, 2024 hearing, the court left the record open for proof of where the proceeds of the sale were ultimately deposited.

On February 4, 2025, plaintiff filed the Supplemental Affirmation of the nominal defendant, Stan Ulis, Esq., affirmed on January 31, 2025, which attached Exhibit A – supporting bank records and copies of checks from the closing. On February 4, 2025 plaintiff’s counsel also submitted additional arguments in support. On March 7, 2025, counsel for defendant Public Administrator submitted additional arguments in opposition. On March 12, 2025, counsel for the

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plaintiff submitted a reply thereto. The Court accepts the additional documentary proof as plaintiff's Exhibit 9 for identification, and upon review, admits into evidence plaintiff's Exhibit 9.

Plaintiff's Exhibits presented at the hearing:

No.	ID	EV.	Description
1	X		Closing Statement For the Purchase of 210 Quincy Street, Brooklyn, NY
2	X	X	Residential Contract of Sale
3	X	X	Deed (NYSCEF Doc No. 358)
4	X	X	Assignment of Contract of Sale
5	X	X	Amendment Residential Sale and Purchase Contract
6	X	X	Chase Cashier's Checks (copies)
7	X	X	Power of Attorney (NYSCEF Doc. No. 359)
8	X	X	Commonwealth Title Owner's Policy, with Exclusions, Schedules, Endorsements
9	X	X	Supplemental Affirmation and annexed Exhibit A

Defendant Warren Johnson's Exhibit presented at the hearing:

No.	ID	EV.	Description
A	X	X	Letter

Initially, the Court agrees with the plaintiff that the Warren Deed is fatally defective as it was not duly acknowledged as required by Real Property Law § 291, and its subsequent recording was and is a nullity and of no force or effect.

Next, the Court finds that the Power of Attorney signed by Ida Johnson to Johnny Williams, and utilized by him to transfer the Premises to plaintiff, and the Quincy deed, is not facially defective.

Finally, the additional documentary proof presented by plaintiff since the November 6, 2024 hearing date, satisfies this court that the sale proceeds did in fact leave the plaintiff's account, were paid over to Stan Ulis, Esq., as closing attorney for Agent Johnny Williams. Johnny Williams closed on behalf of Ida Johnson as her Agent via a power of attorney. Thereafter the net amount was paid by Mr. Ulis over to Johnny Williams in the amount of \$650,000.00 (check no. 1504, Exhibit 9) pursuant to a notarized authorization signed by Ida Johnson on November 19, 2016, that authorized "Stan Ulis, Esq. to release ALL proceeds from the sale of the real property located at 210 Quincy Street, Brooklyn, NY, (Block 1807 Lot 28) to Johnny Williams, my nephew and duly appointed by me agent with the Power of Attorney." Exhibit 9. (emphasis in the original). Notably, the reverse side of the check does not indicate where the funds were deposited.

Although not directly pertinent on the issue of fraud vis-à-vis decedent Ida Johnson, there

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is no evidence that Quincy 210 LLC is anything other than a good faith purchaser having tendered the contract deposit and contract balance to the attorney for the authorized agent. Given that the power of attorney provides un rebutted prima facie evidence of the authority of the agent to act on behalf of the principal, the burden shifts to the defendants to show that the agent either obtained his authority fraudulently, or the decedent Ida Johnson lacked capacity. None of the defendants met this burden.

It is incomprehensible that no medical records<sup>1</sup> or testimony from a forensic psychiatrist or any evidence whatsoever regarding the mental capacity of the late Ida Johnson were presented at the hearing. What is clear is that Johnny Williams ultimately received the net proceeds of the sale by check made payable *in his own name*, ostensibly at the direction of Ida Johnson. It appears no party subpoenaed Johnny Williams to attend the hearing. There should be no mystery as to where the funds of the sale were deposited or whether a vulnerable and elderly member of the community was exploited.

Based on the foregoing, it is

**ORDERED, ADJUDGED AND DECREED** that Quincy 210 LLC is the lawful owner and is vested with absolute and unencumbered title in fee to the property described in Schedule A to Exhibit A of the Complaint, 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 southerly side of Quincy Street, distant 406 feet easterly from the southerly corner of Quincy Street and Bedford Avenue;

RUNNING THENCE southerly parallel with Bedford Avenue and part of the distance through a party wall, 100 feet;

THENCE easterly parallel with Quincy Street, 19 feet;

THENCE northerly parallel with Bedford Avenue, 100 feet to the southerly side of Quincy Street;

THENCE westerly along the southerly side of Quincy Street, 19 feet to the point or place of BEGINNING.

For Information Only: Said premises are know as 210 Quincy Street, Brooklyn, NY and designated as Block 1807 Lot 28 as shown on the Tax Map of the City of New York, County of Kings;

and it is further

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<sup>1</sup> There were uncertified medical records attached as an exhibit regarding a motion (NYSCEF 366), but no medical records were even marked for identification at the hearing.

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**ORDERED, ADJUDGED AND DECREED** that plaintiff Quincy 210 LLC is entitled to the immediate and exclusive possession of the premises above-described, subject to the rights of bonafide tenants in possession, and to each and every part thereof, free and clear of any lien, claim, right, interest or easement on the part of the defendants; and it is further

**ORDERED, ADJUDGED AND DECREED** that plaintiff Quincy 210 LLC is the rightful owner of the property pursuant to the deed dated November 18, 2015 between Ida Johnson by Johnny Williams as Agent by POA, and plaintiff, of the property located at 210 Quincy Street, Brooklyn, New York (the Quincy Deed) and recorded with the Office of the City Register of the City of New York on November 29, 2016, pursuant to said Quincy Deed which is in full force and effect; and it is further

**ORDERED, ADJUDGED AND DECREED** that the defendants Carmen Williams, Warren Johnson, Johnny Williams, and The Public Administrator of Kings County as the Administrator of the Estate of Ida Johnson, Deceased, and each and every person claiming through or under them, have no claim or ownership interest in or right over the premises hereinabove described; and it is further

**ORDERED, ADJUDGED AND DECREED** that the deed to the Premises dated May 17, 2016 from Ida Johnson, now deceased, to Warren Johnson (the Warren Deed), and recorded with the Office of the City Register of the City of New York on November 21, 2016, is null and void and of no force and effect, *nunc pro tunc* to May 17, 2016 and Warren Johnson is barred, as well as any and all persons claiming under him, from claiming any estate or interest in the subject property; and it is further

**ORDERED** that defendant Public Administrator's affirmative defenses are **DISMISSED**; and it is further

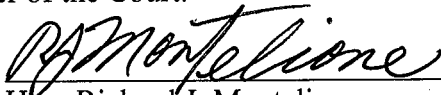
**ORDERED** that defendant Public Administrator's counterclaim against plaintiff pursuant to RPAPL Article 15 is **DISMISSED**; and it is further

**ORDERED** that defendant Warren Johnson's counter claims against plaintiff are **DISMISSED**, but to the extent the counterclaims constitute a crossclaim against defendant Johnny Williams, such crossclaims remain; and it is further

**ORDERED** that plaintiff may submit an order to terminate the services of any receiver who may have been appointed during the pendency of this matter and to render a final account; and it is further

**ORDERED**, that any other relief requested but not specifically addressed herein is **DENIED**.

This constitutes the decision and order of the Court.

  
Hon. Richard J. Montelione

KINGS COUNTY CLERK  
FILED  
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