

**545 Brooklyn Owner, LLC v Puls Equity Mgt., Inc.**

2025 NY Slip Op 33039(U)

July 17, 2025

Supreme Court, Kings County

Docket Number: Index No. 509330-2025

Judge: Peter P. Sweeney

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SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS, PART 73

Index No.: 509330-2025

Motion Date: 7-14-25

Mot. Seq. No.: 2

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545 BROOKLYN OWNER, LLC and 545 BROOKLYN  
AVENUE OWNER, LLC,

Plaintiffs,

-against-

**DECISION/ORDER**

PULS EQUITY MANAGEMENT, INC., BRIAN PULS  
and NORTHEAST TITLE SERVICES, INC.,

Defendant.

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The following papers, which are e-filed with NYCEF as items 25-37, 45, were read on this motion:

Plaintiffs 545 BROOKLYN OWNER, LLC and 545 BROOKLYN AVENUE OWNER, LLC, move for an Order pursuant to CPLR § 3215(a) and CPLR § 3001 granting plaintiff a default judgment against defendants on liability as follows: (i) on plaintiff's first cause of action, quieting plaintiffs' title to 545 Brooklyn Avenue, Brooklyn, New York (identified on the Kings County Tax Mapas Block 4798, Lot 10) ("Premises") as of March 20, 2025 and barring defendant Puls Equity Management, Inc. (Puls) and any person or entity claiming an estate or interest in the Premises by, through or under PULS, from any claim to an estate or interest in the Premises which is adverse to or in derogation of plaintiff's sole unencumbered fee interest in the Premises as of March 20, 2025; (ii) vacating as void the UCC-1 financing statement recorded against the Premises on February 7, 2024 at CRFN202400003338; (iii) directing the City Register to record this order upon payment of appropriate fees; (iv) defaulting defendants on liability with respect to plaintiffs' second cause of action for damages and referring said claim to an inquest for the assessment thereof; and (v) granting plaintiffs such other and further relief as this Court may deem just and proper.

**Background:**

This action involves the Premises, previously owned by 545 Brooklyn Ave. II Corp. ("Prior Owner"). On November 7, 2023, New York Tower Capital LLC loaned the Prior Owner \$1,910,000, secured by a mortgage recorded on November 21, 2023. On February 7, 2024,

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defendant Puls filed a UCC-1 financing statement against the Premises, identifying the Prior Owner as debtor for \$113,000 for alleged consulting fees. The Prior Owner defaulted on its mortgage and conveyed the Premises to plaintiff 545 Brooklyn Ave. Owner LLC via deed in lieu of foreclosure dated October 1, 2024. The property was subsequently sold on April 10, 2025. An escrow of \$130,000 was established in connection with the sale, pending resolution of the UCC-1 filing.

Plaintiffs allege that the UCC-1 is facially invalid under UCC § 9-509, asserting that there was no authenticated authorization from the debtor, no valid security agreement, and no rights acquired in the collateral. Plaintiffs further argue that the filing violates Lien Law § 2, which does not permit liens for consulting services, and that a UCC-1 does not create an interest in real property.

Service of the summons and complaint was effectuated on March 29, 2025, and April 1, 2025, with substituted service on defendant Brian Puls completed on March 29, 2025, and follow-up mailing on April 2, 2025. Defendants' time to appear expired on May 24, 2025, and no appearance or answer has been filed.

In their opposition, the defendants do not contest service, nor the merits of plaintiffs' claims but merely request additional time to respond.

A party seeking a default judgment under CPLR 3215 must provide proof of service, proof of the facts constituting the claim, and proof of the opposing party's default in appearance or pleading. (See CPLR 3215[f]; *Roy v. 81E98th KH Gym, LLC*, 142 A.D.3d 985; *Fried v. Jacob Holding, Inc.*, 110 A.D.3d 56, 59). "To demonstrate 'the facts constituting the claim,' the plaintiff must provide sufficient evidence to enable the court to determine that a viable cause of action exists." (*Woodson v. Mendon Leasing Corp.*, 100 N.Y.2d 62, 71.) Once this showing is made, a defendant may avoid a default judgment only by establishing either that there was no default or that there exists a reasonable excuse for the default and a potentially meritorious defense. (*Fried*, 110 A.D.3d at 60.)

Plaintiffs have submitted adequate evidence to establish the validity of their claims and the default of the defendants. Plaintiffs provided the necessary proof of service, the factual basis

of their claims, and evidence of the defendants' failure to appear or respond. Defendants have not shown good cause for their default nor have they offered a potentially meritorious defense.

Accordingly, it is:

**ORDERED** that plaintiffs' motion for a default judgment is GRANTED; and it is further

**ORDERED** that the plaintiffs are awarded judgment as follows:

1. Plaintiffs' title to the Premises is quieted as of March 20, 2025, free and clear of any claims by defendant Puls Equity Management, Inc., or any party claiming through or under it;
2. The UCC-1 financing statement recorded on February 7, 2024, under CRFN202400003338, is declared null and void;
3. The City Register is directed to record this Order upon payment of appropriate fees;
4. Plaintiffs are granted default on their second cause of action for damages, and the claim is referred to a JHO/Special Referee for a hearing on the issue of damages.
5. Plaintiffs are directed to settle and an Order on Notice.

This constitutes the Decision and Order of the Court.

Dated: July 17, 2025.

**PETER P. SWEENEY, J.S.C.**

Note: This signature was generated electronically pursuant to Administrative Order 86/20 dated April 20, 2020

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KINGS COUNTY CLERK FILED

### Section 29.1 General.

(a) Taking photographs, films or videotapes, or audiotaping, broadcasting or telecasting, in a courthouse including any courtroom, office or hallway thereof, at any time or on any occasion, whether or not the court is in session, is forbidden, unless permission of the Chief Administrator of the Courts or a designee of the Chief Administrator is first obtained; provided, however, that the permission of the Chief Judge of the Court of Appeals or the presiding justice of an Appellate Division shall be obtained with respect to the court over which each presides. Such permission may be granted if:

- (1) there will be no detraction from the dignity or decorum of the courtroom or courthouse;
- (2) there will be no compromise of the safety of persons having business in the courtroom or courthouse;
- (3) there will be no disruption of court activities;
- (4) there will be no undue burden upon the resources of the courts; and
- (5) granting of permission will be consistent with the constitutional and statutory rights of all affected persons and institutions.

Permission may be conditioned upon compliance with any special requirements that may be necessary to ensure that the above conditions are met.

**(b) This section shall not apply to:**

applications made to the appropriate court for photographing, taping or videotaping by or on behalf of the parties to the litigation and not for public dissemination.

#### Historical Note

Sec. filed May 3, 1971; repealed, new filed Feb. 2, 1982; amds. filed: May 28, 1985; April 1, 1996 eff. March 21, 1996.

Amended (b) on Jun. 21, 2016