

**CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF QUEENS**

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90-02 QB HOLDINGS, LLC., **Index No.**
Petitioner-Landlord, **L&T** **/2022**
-against-
TIFFANY LEE DEVOLDER SANTOS, **PETITION**
90-02 Queens Boulevard, Apt. 520, **HOLDOVER**
Elmhurst, NY 11373,
Respondent-Occupant, **CONTINUING NUISANCE**
John Doe, Jane Doe,
Undertenants-Occupants.
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The Petition of 90-02 QB HOLDINGS, LLC, respectfully shows that:

1. Petitioner is authorized to maintain this proceeding.
2. The petitioner is the Landlord of the premises herein.
3. Respondents, TIFFANY LEE DEVOLDER SANTOS, "JOHN DOE" and/or "JANE DOE", were granted a license to reside at the subject premises, any permission to occupy the premises terminated May 15, 2022. In the alternative, Respondents moved in as squatters and without permission from any person or entity in control of the subject premises. "John Doe" and "Jane Doe" are undertenants/occupants of the subject apartment.
4. The premises are described as follows: all rooms, Apt. 520, located at 90-02 Queens Boulevard, Elmhurst, NY 11373, which is within the jurisdiction of the Civil Court of the City of New York, County of QUEENS.
5. Tiffany Lee Devolder Santos, "John Doe" and/or "Jane Doe" took up occupancy in the subject premises with the permission of the former owner in fee of the subject apartment, its agents and/or assigns. Respondents' license to occupy the subject premises terminated based upon the fact that the license previously given was terminated. The landlord, 90-02 QB HOLDINGS, LLC, terminated the respondents' license to remain in the subject premises as of

May 15, 2022. Moreover, any permission, tenancy rights, or license to occupy the premises has continued without the consent of the landlord, and was terminated on May 15, 2022, as more fully set forth in the 10 day notice to quit, which is annexed hereto and made a part hereof. Moreover, Respondent and the occupants have engaged in conduct rising to the level of a nuisance under the common law. Such conduct has degraded the quality of life for the entire building and warrants the eviction of the named Respondent and occupants, as is more fully set forth in the annexed ten day notice to quit.

6. The apartment is presently subject to the Rent Stabilization Law of 1969, as amended by Chapter 403, Laws of 1983, by reason of the fact that the apartment was subject to the Rent Stabilization Law on June 30, 1974. The owner of the premises has registered rents and services with the New York State Division of Housing and Community Renewal pursuant to the Administrative Code and is in compliance with the Rent Stabilization Law and Code and the rent demanded herein does not exceed the legal regulated rent.

7. The premises are a multiple dwelling and pursuant to the Housing Maintenance Code, Article 41, there is currently an effective registration statement on file with the Office of Code Enforcement in the which the owner has designated the managing agent named below, a natural person over 21 years, to be in control of and responsible for the maintenance and operation of the dwelling.

Registered Managing Agent: Manny Stein
Address: 1175 Grand Concourse, GR4, Bronx, NY 10456
Multiple Dwelling Registration No.: 431693

8. Except for the apartment being sought in this proceeding, petitioner lacks written information or notice of any address where Respondents-Occupants resides, is employed-has a place of business-has its principal office-place of business in New York State.

9. That the term of which said premises were to be occupied by the respondent expired on May 15, 2022, pursuant to a ten-day notice to quit, which is attached hereto and made a part hereof.

10. The respondents continue in possession of the premises without the permission of the landlord, or of the petitioner after the expiration of said term.

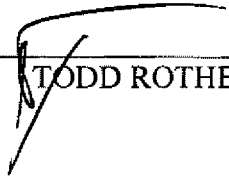
WHEREFORE, the Petitioner requests that a final judgment against the Respondent(s) awarding possession of the premises to the petitioner-landlord; issuance of a warrant to remove respondent's possession thereof; judgment for rent in arrears against Respondent(s)-tenant and the fair value of use and occupancy from May 16, 2022; together with the costs and disbursements of this proceeding with interest or such other amount as is determined by the Court.

Dated: Westchester, New York
May 23, 2022

90-02 QB HOLDINGS, LLC.
Petitioner-Landlord

STATE OF NEW YORK, COUNTY OF WESTCHESTER

TODD ROTHENBERG, an attorney duly admitted to practice law before the Courts of the State of New York affirms under penalty of perjury; that he has read said Petition and knows the contents thereof to be true except as to those matters therein stated upon information and belief and as to those matters affiant's grounds for belief are statements or information supplied by landlord and/or its agents or employees. That the reason why this verification is not made by the landlord is that affiant is the attorney for the landlord herein and Section 741 of Real Property Actions and Proceedings Law & CPLR 3020 authorizes the making of this verification by the undersigned.



TODD ROTHENBERG

10 DAY NOTICE TO QUIT

TO: TIFFANY LEE DEVOLDER SANTOS – Licensee/Squatter/Occupant
“JOHN DOE” – Licensee/Squatter/Occupant
“JANE DOE” – Licensee/Squatter/Occupant
90-02 Queens Boulevard, Apt. 520,
Elmhurst, NY 11373

I.

To all persons in possession of the premises as licensees and occupying the said premises known and described as follows: 90-02 Queens Boulevard, Apt. 520, Elmhurst, NY 11373,

PLEASE TAKE NOTICE that 90-02 QB HOLDINGS, LLC., is the Landlord/Owner in fee of the above described premises, and is entitled to the possession thereof, and that upon information and belief you have maintained possession of the subject premises as a licensee in that you moved into the subject premises and maintained possession thereof with the permission of the former owner/landlord, and/or its agent(s) or employee(s). In fact, you never signed a lease for the subject premises and instead moved in solely with the permission and consent of the former owner/landlord, without ever executing a lease agreement. Your occupancy has continued only after gaining a license from the former owner/landlord, or its agent(s) or employee(s). Besides such verbal consent, you do not possess any other basis to reside in the subject premises. Your license to occupy the subject premises is now being terminated by the current owner/landlord, 90-02 QB Holdings, LLC. Any permission you may have had is now null and void. Your current occupancy is without the permission of the current Landlord/Owner or any other person or entity with lawful ability to allow you to continue in occupancy of the subject apartment. The current landlord, owner, nor its agents, had never given you consent or permission to occupy the subject premises. Based upon the foregoing, your current and continued occupancy is without the consent and/or permission of the current Landlord, and/or

owner and/or such other person entitled to the possession of said property and that such occupancy has continued without the consent of the owner and/or landlord and/or such other person entitled to possession thereof.

ANY LICENSE, PERMISSION OR CONSENT THAT YOU MAY HAVE BEEN GIVEN IS HEREBY REVOKED AND TERMINATED AND YOU ARE HEREBY REQUIRED TO REMOVE, LEAVE AND QUIT SAID PREMISES.

The Landlord/Owner of said premises hereby demands that all persons named above and so occupying the said premises leave, remove and quit from said premises and property and surrender possession thereof by May 15, 2022, thereof unto the landlord and/or owner and unless you do so the Landlord and/or owner will commence summary proceedings under the law to remove you from possession and occupancy of the subject premises.

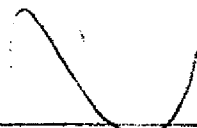
Please take further notice that this notice is being served pursuant to RPAPL §713(7) and/or RPAPL §713(3) and that in the event you fail to vacate the premises by April 15, 2022, the Landlord intends to commence summary proceedings under the law seeking possession of the subject premises and/or use and occupancy.

II.

PLEASE TAKE FURTHER NOTICE, you have engaged in conduct that constitutes a common law nuisance. Specifically, you, your guests and/or occupants have been smoking in the staircase of the building, drinking alcohol and leaving trash. *Please see annexed photographs depicting these conditions.* The Landlord has received regular and routine complaints regarding this conduct, and this conduct interferes with other tenants in the building. The cigarette smoke enters neighboring units and prohibits other tenants from enjoying their respective apartments. Additionally, the cigarette smell permeates throughout the entire building, further reducing the quality of life for other building residents.

You are hereby directed that unless you remove from the subject premises on/or before **May** 15, 2022, the Landlord shall commence a summary proceeding under the law in a court of proper jurisdiction to remove you from possession thereof and to recover possession of the subject premises.

Dated: Bronx, NY
March 24, 2022



90-02 QB HOLDINGS, LLC.
BY: Manny Stein
Manager and Authorized Signatory

8 of 9

NYSCEF DOC. NO. CITY OF NEW YORK

RECEIVED NYSCEF: 06/02/2022

COUNTY OF QUEENS

HOUSING PART

90-02 QB HOLDINGS, LLC.

PETITIONER

- against -

TIFFANY LEE DEVOLDER
SANTOS

JOHN DOE
JANE DOE
90-02 Queens Boulevard a/k/a Apt. 520
Elmhurst, NY 11373

RESPONDENT

PETITION FOR WRIT

Todd Rothenberg, Esq.
Attorneys for Petitioner
Office and Post Office Address:
271 North Avenue
Suite 115
New Rochelle, NY 10801
914/235-7234
office@trothenbergesq.com

To:
Attorney(s) for

Esq.

Service of a copy of the within

is hereby admitted:

Dated, N.Y. , 20
Attorney(s) for

To: TIFFANY LEE DEVOLDER
SANTOS
90-02 Queens Boulevard a/k/a, Apt.
520
520 Queens Blvd
Elmhurst, NY 11373

Attorney's Certification

TODD ROTHENBERG, an attorney duly admitted to the Courts of the State of New York, hereby certifies that the annexed is to the best of my knowledge and upon information and belief, formed after an inquiry reasonable under the circumstances, that the presentation of said papers or contentions therein are not frivolous as defined in subsection (c) of section 130-1.1 of 22 NYCRR.

Dated: New Rochelle
May 23, 2022
09-9002-520

Todd Rothenberg