

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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In the Matter of the Application of NEW YORK FOUNDATION
FOR SENIOR CITIZENS, GUARDIAN SERVICES INC.
As Guardian for

Index No.: 402682/05

Helena Rajewsky a/k/a Ilyana Rajewsky
a/k/a Helen Rajewsky

AFFIDAVIT

an Incapacitated Person

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STATE OF NEW YORK

COUNTY OF NEW YORK

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)SS.:
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Wilson Brito, being duly sworn deposes and says:

1. I am the superintendent at the building located 20 Prince Street a/k/a 20-22 Prince Street, New York, New York 10012 (hereinafter, "building") owned by 20-22 Prince LLC (hereinafter, "Landlord"). I am fully familiar with all of the facts and circumstances herein.

2. I have been employed as the super of the subject building for approximately 3 ½ months. I am regularly at the building and I am in charge of the building's upkeep, cleaning, maintenance, and minor repairs. I am familiar with Helena Rajewsky a/k/a Ilyana Rajewsky a/k/a Helen Rajewsky, the tenant of record of Apt. 36 at 20 Prince Street a/k/a 20-22 Prince Street, New York, New York 10012 (hereinafter, "Tenant"), her conduct and her apartment's condition based on my personal interactions with her and her home aide attendants, my personal observations, and complaints from other tenants.

3. This affidavit is submitted in support of Petitioner's motion for an Order granting 20-22 Prince LLC, landlord of Helena Rajewsky a/k/a Ilyana Rajewsky a/k/a Helen Rajewsky, leave to commence a holdover nuisance proceeding against New York Foundation for Senior Citizens, Guardian Services Inc. as Guardian for Helena Rajewsky a/k/a Ilyana Rajewsky a/k/a Helen Rajewsky and for an order for other and further relief as the Court may deem just and proper.

4. To date, the landlord continuously receives complaints that there is an ongoing, recurring foul, pungent, noxious, disturbing and undesirable odor emanating from Ms. Rajewsky's apartment,

permeating into the hallway, common areas, building lobby, neighboring apartments, and throughout the floors in the building. I have personally observed this noxious odor emanating from Ms. Rajewsky's apartment.

5. Tenants also complain that Ms. Rajewsky digs through the garbage, bringing items and discarded food back into her apartment. I have personally caught Ms. Rajewsky digging through the building's garbage. She actually took out the cardboard boxes and neatly placed them to the side in order to get to the actual garbage and discarded food thrown out by other tenants.

6. Her apartment is being kept in an unsanitary condition of her apartment. There have been complaints from other tenants that roaches, vermin and other pests originating from her apartment and going into their apartments.

7. Some tenants with apartments adjacent to Ms. Rajewsky's apartment have vacated and/or threatened to not renew their leases alleging it is due to her conduct and conditions of her apartment.

8. The recurring noxious odor emanating from Ms. Rajewsky's apartment actually travels throughout the building from the lobby to the top floor.

9. In order to air out the building, I open all of the windows of the building. A porter is also assigned to mop Ms. Rajewsky's floor daily with scented floor cleaner to minimize the odor emanating from her apartment. In one week alone, the landlord had to purchase two bottles of Lysol floor cleaner as a result.

10. Other tenants have mistaken Ms. Rajewsky for a homeless woman who roams the building's hallways due to her appearance, offensive and foul odor, and habit of going through the garbage and taking items and discarded food from the garbage.

11. As to the cleaning service and home aide attendants, I have been the superintendent at the subject building for approximately 3 ½ months and I have observed 4 to 5 different home aide attendants for Ms. Rajewsky. During that time, the home aide attendants are seen standing in the hallway, because they do not want to go inside of Ms. Rajewsky's apartment due to the noxious odor, or they are talking on their cell phones sitting on the hallway stairways. This is all while Ms. Rajewsky's apartment door is left

wide open, causing the noxious odor from her apartment to travel throughout the floor hallway and building which makes the nuisance conduct worse.

12. When her home aide attendants have been in the hallways on their cellphones, I have observed Ms. Rajewsky inside her apartment alone cooking, unattended and unsupervised.

13. I also recently stopped Ms. Rajewsky from going to the roof, unattended and unsupervised, while her home aide attendant was on their cell phones sitting on the hallway stairs. I informed the home aide attendant that I brought Ms. Rajewsky back to her apartment and she tried to go to the roof. The home aide attendant was surprised and did not even know Ms. Rajewsky had left her apartment.

14. It is important to highlight to the Court that this Order to Show Cause is a result of a deep concern for Ms. Rajewsky as well as the other tenants and occupants in the Building for which the Landlord is obligated to provide a habitable living space. Clearly, Ms. Rajewsky requires much more extensive care and supervision than is being provided and the Article 81 guardian is able to provide.

15. In light of the above, the movant-landlord's motion, herein, for leave to commence a nuisance holdover summary proceeding against New York Foundation for Senior Citizens, Guardian Services Inc. as Guardian for Ms. Rajewsky should be granted in its entirety.


Wilson Brito

Sworn to before me
this 16 day of August, 2016


Notary Public

LAURIE H KIRSCHBAUM
NOTARY PUBLIC-STATE OF NEW YORK
No. 01K16082935
Qualified in Kings County
My Commission Expires November 04, 2018