

EXHIBIT "A"

001

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At an IAS term, part 28,
of the Supreme Court of
the State of New York,
County of New York, at
the courthouse at 60
Centre St., New York,
N.Y., this 27 day of
~~November, 2005~~

JANUARY
2006

PRESENT: Hon. MARTIN SCHOENFELD
J.S.C.

In the matter of the application of
VERNA EGGLESTON, as the Commissioner
of Social Services of the City
of New York,
for the appointment of a Guardian
of the Personal needs and Property
Management of

Index No. 402682/05

ORDER AND JUDGMENT

HELENA RAJEWSKY, a/k/a ILYANA RAJEWSKY
a/k/a HELEN RAJEWSKY,

a person alleged to be incapacitated.

FILED
FEB 02 2006
NEW YORK
COUNTY CLERK'S OFFICE

The petitioner, having commenced this proceeding
under Mental Hygiene Law Article 81 by order to show cause,
signed by this Court on Sept. 20, 2005, and a petition
verified on Aug. 2, 2005,

and this proceeding having come on to be heard on
Oct. 20, 2005,

and the petitioner having appeared by Clinton
Eubanks, Esq., of counsel,

and the alleged incompetent person having appeared
by Steven A. Neil, Esq., court-appointed attorney,

Helena Rajewsky, effective immediately, ~~and that the filing~~
~~of a bond is waived~~, CONDITIONED upon the guardian's filing
a designation with the Clerk to accept service of process as
required by MHL Sec. 81.26 ^{and filing a bond in the amount of \$40,000} and that the guardian will in all
things faithfully discharge the trust imposed upon it, obey
all the directions of the court in respect to that trust,
and make and render a true and just account of all money and
other property received pursuant to the authority granted
here; and it is further

ORDERED AND ADJUDGED that the guardian shall file
within 15 days of this date the required commission, oath
and designation ^{+ bond, if any} and it is further

ORDERED AND ADJUDGED that upon filing such
designation a commission in due form shall be issued by the
Clerk of the Court pursuant to MHL Sec. 81.27; and it is
further

ORDERED AND ADJUDGED that the guardianship shall
be for an indefinite period; and it is further

ORDERED AND ADJUDGED that the guardian may,
without prior authorization of this court, maintain or
defend any civil judicial proceeding which the incapacitated
person might have maintained or defended were she competent,
and it is further

ORDERED AND ADJUDGED that the guardian shall
maintain Helene Rajewsky in her home and not relocate her

without further order of this Court, pursuant to MHL Sec. 81.22; and it is further

ORDERED AND ADJUDGED that the authority of the guardian shall extend to all of the property of Helene Rajewsky, both real and personal; and it is further

ORDERED AND ADJUDGED that all persons are hereby directed and commanded to deliver to the guardian upon demand and presentation of a certified copy of the commission all of the property of Helene Rajewsky, of every kind and nature which may be in their possession or under their control; and it is further

ORDERED AND ADJUDGED that to the extent of the net estate available the guardian shall provide for the maintenance, support and personal wellbeing of the incapacitated person; and it is further

ORDERED AND ADJUDGED that the Guardian may, without prior authorization of the Court, make reasonable expenditures for the purpose of providing the incapacitated person with necessities or preserving her property; and it is further

ORDERED and ADJUDGED that the Guardian shall have the authority to retain counsel and/or an accountant, provided any fees paid to such counsel and/or accountant shall be subject to the approval of the Court; and it is further

ORDERED and ADJUDGED That the Guardian shall commence an investigation into the activities of the IPI's Prior Counsel, Ms. Bridgewater, and may retain counsel shall file a report with the Court as to their findings within 120 days

JSC

ORDERED and ADJUDGED that for the purpose of New York State Banking Law Secs. 9-i and 238, this Order shall be deemed a declaration of incompetence and no banking institution or savings bank shall impose any penalty for the repayment or early withdrawal of a time deposit prior to maturity; and it is further

ORDERED and ADJUDGED that any safe deposit box owned by the incapacitated person shall be opened by the Guardian in the presence of a representative of the bank, and the Guardian shall promptly file an inventory of the contents of the safe deposit box with the Court subscribed by all present and the Guardian shall not take possession of said contents without further order of the Court; and it is further

ORDERED and ADJUDGED that the Guardian may, without prior authorization of the Court, invest surplus funds in investments eligible by law for the investment of trust funds and may dispose of investments so made and reinvest the proceeds as so authorized. Except as herein provided, no investments shall be made by the Guardian other than pursuant to an order of the Court authorizing such investment. Nothing herein contained shall be deemed to limit the power of the Court to approve any investment made without its authorization, or to control the disposition of the property of the incapacitated person or investment or

reinvestment of her funds, or to make a new order respecting investments at any time; and it is further

ORDERED and ADJUDGED that the Guardian may not alienate, mortgage, or otherwise dispose of real property without the direction of the Court obtained upon proceedings taken for the purpose as prescribed in Real Property Actions and Proceedings Law Article 17, provided, however, that without instituting such proceedings, the Guardian may, with authorization of Court, lease real property for a term not exceeding five years and may, without further authorization of the Court, lease a primary residence for the incapacitated person for a term not to exceed three years, provided that the Court is informed of any leases entered into by the Guardian in its annual report to the Court; and it is further

ORDERED and ADJUDGED that the Guardian shall ascertain whether Helene Rajewsky has a prepaid funeral arrangement with sufficient funds, and if she does not and assets are sufficient, establish a burial fund for the payment of funeral expenses pursuant to Section 453 of the General Business Law and Section 141 (6) of the Social Services Law in such amount as the Guardian shall reasonably determine is appropriate; and it is further

ORDERED and ADJUDGED that upon the death of the incapacitated person, the Guardian shall have the authority

to pay for the reasonable funeral expenses of the incapacitated person; and it is further

ORDERED and ADJUDGED that upon the death of the incapacitated person, the Guardian shall have the authority to pay the bills of the incapacitated person which were incurred prior to her death, provided the Guardian would otherwise have had the right to pay such bills; and it is further

ORDERED and ADJUDGED that the Guardian shall have such authority as may be granted by any statute of the United States of America or the State of New York unless such statute specifically requires the permission of the Court before the exercise of the power granted therein; and it is further

ORDERED and ADJUDGED that pursuant to §81.20 of the Mental Hygiene Law the Guardian shall:

- (a) exercise only those powers that the Guardian is authorized to exercise by order of the Court;
- (b) exercise the utmost care and diligence when acting on behalf of the incapacitated person;
- (c) exhibit the utmost degree of trust, loyalty and fidelity in relation to the incapacitated person;
- (d) file an initial and annual reports in accordance with §81.30 and §81.31 of the Mental Hygiene Law;

(e) visit the incapacitated person not less than four times per year;

(f) afford the incapacitated person the greatest amount of independence and self determination with respect to property management and personal needs in light of the person's functional level, understanding and appreciation of her functional limitations, personal wishes, and preferences and desires with regard to managing the activities of daily living;

(g) preserve, protect and account for the incapacitated person's property and financial resources faithfully;

(h) determine whether the incapacitated person has executed a Will, determine the location of any Will and the appropriate persons to be notified in the event of the death of the incapacitated person, and, in the event of her death, notify those persons;

(i) at the termination of the appointment, deliver the property of the incapacitated person to the person legally entitled to it;

(j) File with the recording office of the county wherein Helene Rajewsky is possessed of real property an acknowledged statement to be recorded and indexed under the name of Helene Rajewsky, identifying the real property possessed by her, the tax map number of the property, and

stating the date of adjudication of incapacity of the person regarding property management and the name, address, and the telephone number of the Guardian; and

(k) perform all other duties required by law; and
it is further

ORDERED and ADJUDGED that pursuant to §81.21 of the Mental Hygiene Law, the Guardian shall have the authority to make the following decisions concerning the property management needs of the incapacitated person:

(a) Marshal income and assets, including but not limited to the following:

(i) All income, including but not limited to Social Security benefits and a pension from the Citibank N.A.,

(ii) Life insurance policies and IRAS;

(iii) Any money the Interim Guardian has marshaled or otherwise retains when its final account is judicially settled and it is discharged as Interim Guardian;

(b) pay such bills as may be reasonably necessary to maintain the incapacitated person;

(c) negotiate Medicare and Medicaid claims;

(d) pay the New York City Medical Assistance Program for care and treatment of the incapacitated person to the extent that the income and resources of the

incapacitated person exceeded the Medicaid eligibility level at the time such assistance was granted;

(e) authorize access to or release of confidential records;

(f) apply for government and private benefits, and it is further

ORDERED and ADJUDGED that pursuant to §81.22 of the Mental Hygiene Law the Guardian shall have the authority to make the following decisions concerning the personal needs of the incapacitated person:

(a) make decisions regarding the social environment and other social aspects of her life;

(b) determine who shall provide personal care or assistance;

(c) assess the need for and obtain, arrange for and maintain the appropriate level of home care services, including but not limited to home care and visiting nurse services and regular apartment cleaning as needed;

(d) assess the need for repairs and/or heavy duty cleaning(s) of the incapacitated person's apartment and arrange for same; And if feasible the Guardian shall use DISASTER MASTERS, INC for the cleanings;

(e) authorize access to or release of confidential records;

(f) apply for government and private benefits; and

(g) consent to or refuse generally accepted routine medical treatment decisions consistent with the findings herein pursuant to Mental Hygiene Law §81.15 and in accordance with the wishes of Helen Rajewsky, including her religious and moral beliefs, or if her wishes are not known and cannot be ascertained with reasonable diligence, in accordance with her best interests, including a consideration of the dignity and uniqueness of every person; the possibility and extent of preserving her life; the preservation, improvement or restoration of her health or functioning; the relief of her suffering; the adverse side effects associated with the treatment; any less intrusive alternative treatments; and such other concerns and values as a reasonable person in the incapacitated person's circumstances would wish to consider; and it is further

ORDERED and ADJUDGED that any power of attorney that Helene Rajewsky granted is hereby revoked; and it is further

*to Christina Bridgewater, Esq.,
and any other persons;*

ORDERED and ADJUDGED that the compensation to the Guardian shall be calculated in accordance with the Mental Hygiene Law, provided that such compensation shall be paid in accordance with Section 2307 of the SCPA and include any *taking into account § 473-d Subsection 3(d) of the Social Services law* payment claimed for its actions as interim guardian; and it is further

ORDERED and ADJUDGED that upon the proper submission of an affidavit of services rendered and a request for compensation, along with Form ⁸⁷⁵~~830~~, Main Street Legal Services, Inc., shall be paid \$ 500^x from the estate of Helene Rajewsky as and for services as Court Evaluator; and it is further

ORDERED and ADJUDGED that upon the proper submission of an affidavit of services rendered and a request for compensation, along with Form ⁸⁷⁵~~830~~, the attorney for Helene Rajewsky, Steven A. Neil, Esq., shall be paid \$ 2700^x from the estate of Helene Rajewsky for services rendered as counsel, and it is further

ORDERED and ADJUDGED that the Guardian shall file, pursuant to MHL Sec. 81.30, no later than 90 days after the issuance of the commission, the initial report in the form prescribed by the Court with proof of completion of the Guardian's education requirements with the Office of the Court Examiner, located at New York County Supreme Court, 60 Centre Street Room 201B, New York, N.Y. 10007, ^{646 386}(212) 374-
³¹²⁰~~1818~~, and serve a copy of the initial report on the Court Examiner by regular mail; and it is further

ORDERED and ADJUDGED that the Guardian, upon the submission of the initial report shall attach a signed copy of the appointing Order; and it is further

ORDERED and ADJUDGED that upon the Guardian's failure to file the initial report within 90 days of the issuance of the commission, the Court Examiner shall serve the Guardian with a demand letter by certified mail, and upon the Guardian's failure to comply, move the Court by Order to Show cause to remove the Guardian; and it is further

ORDERED and ADJUDGED that the Guardian shall file each May in the Office of the Court Examiners, currently at 60 Centre Street, Room 201B, New York, N.Y., the county in which the incapacitated person last resided before the appointment of the Guardian, an annual report in the form required by MHL Sec. 81.31, ^{and mail a copy to the court examiner} and it is further

ORDERED and ADJUDGED that the attorney for Petitioner VERNA EGGLESTON, as Commissioner of Social Services of the City of New York, shall serve a copy of the Petition, other pertinent pleadings, and the Court Evaluator's report on the Guardian; and it is further

ORDERED and ADJUDGED that the attorney for Petitioner VERNA EGGLESTON, as Commissioner of Social Services of the City of New York, shall serve a copy of the Petition, other pertinent pleadings, and the Court Evaluator's report upon the designated Court Examiner by first class mail; and it is further

ORDERED and ADJUDGED that the Guardian shall serve a copy of its commission as well as the initial report, annual accounts, and the final accounts (when necessary) upon the designated Court Examiner by first class mail; and it is further

ORDERED and ADJUDGED that no annual commissions are to be taken until the Court Examiner reviews the account, ^{if it's approved by the court} and it is further

71
35C
ORDERED and ADJUDGED that pursuant to Section 81.16(c)(3) of the Mental Hygiene Law, notice of all further proceedings with regard to this matter shall be given to the incapacitated person, her Guardian, ~~the Court Evaluator,~~ ~~Court appointed Counsel for the incapacitated person, VERA EGGLESTON,~~ as Commissioner of Social Services of the City of New York, by her attorney, MICHAEL A CARDOZO, Corporation Counsel, by RICHARD O'HALLORAN, General Counsel, Clinton Eubanks, of Counsel, ^{NYC Dept of Social Services, Office of Litigation} 180 Water St., 17th Fl. New York, N.Y.. ^{the surety.} 10038; the Court Examiner, and any other interested party entitled to notice; and it is further

ORDERED and ADJUDGED that pursuant to MHL Sec. 81.16(e), a copy of this order and judgment shall be personally served upon and read to Helene Rajewsky, the incapacitated person by the guardian, and it is further

ORDERED and ADJUDGED that

Stephen Mahler, with offices at
125-10 Queens Blvd Suite 311 Kew Gardens,
NY 11415
telephone number 718 268-6000, is appointed Court Examiner
pursuant to MHL Sec.81.32(b) and is assigned to examine the
initial and annual reports of the Guardian; and it is
further

[Signature]
J.S.C.

ORDERED and ADJUDGED that no portion of the
Guardianship Estate shall be transferred to any person,
Court or entity without an order of this Court; and it is
further

ORDERED and ADJUDGED that the Guardian, before
taking possession of any personal property other than that
above-mentioned, shall file an application to the Court to
fix the bond, approved by a Justice of this Court pursuant
to Article 82 of the Mental Hygiene Law; and it is further

ORDERED and ADJUDGED that if the initial or annual
report sets forth any reasons for a change in the powers
authorized by the Court, the guardian shall make application
within 10 days of the filing of such report for a change in
powers on notice to the persons entitled to such notice; and
it is further

ORDERED and ADJUDGED that in the event of the
death of the incapacitated person, the Guardian shall move

for judicial settlement of the final account within 60 days thereafter; and it is further

ORDERED and ADJUDGED that if during the pendency of this proceeding, care and treatment for the incapacitated person is paid for by the New York City Medical Assistance Program, the Guardian is ordered to repay the Medicaid program for funds so expended to the extent that the income and resources of the incapacitated person exceeded the Medicaid eligibility level at the time such assistance was granted; and it is further

ORDERED and ADJUDGED that any appointee herein shall comply with the applicable fiduciary rules, Parts 25 and 36 of the Rules of the Chief and Section 35-q of the Judiciary Law, by filing the appropriate forms with the Fiduciary Clerk and no fee shall be paid to such appointee until such appointee has filed UCS Form ⁸⁷⁵~~830~~ with the Court.

It is ordered and adjudged that upon court appointment as a Guardian for personal needs or property management, prior to judgement, a Notice of Pendency must be filed if real property or interest therein is or may be affected by the proceeding.

— Ordered & Adjudged that pursuant to §1-39 MHL, no later than 90 days after the issuance of a commission the Guardian of the person & property shall complete a training program approved by the Chief Administrator of the courts & obtain proof that the training was completed; and it is further

Ordered that the guardian shall pay the bond premiums from the funds of the incapacitated person to the surety or its agent with 60 days (sixty) days after qualifying, and it is further

Ordered that the guardian of the property shall pay the renewal premium from the funds of the incapacitated person to the surety or its agent within 60 (sixty) days after the bond renews, and it is further

Ordered that the surety and its agent may bring a motion in this Court to collect unpaid premiums if the guardian of the property fails to pay the bond premiums timely and it is further

FILED

FEB 02 2006

NEW YORK
COUNTY CLERK'S OFFICE
Entered

J.S.C.

EXHIBIT "B"

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

INDIVIDUAL ASSIGNMENT PART 18

ASSIGNMENT 01/11/13

Index No 402682/05

Mat. Cal. No.

Date 9/12/13

IN RE: HELENA RAJEWSKY
by N.Y. FOUNDATION,

IT IS HEREBY STIPULATED AND AGREED by and between the below named attorney(s) as follows

- (1) 20-22 PRINCE LLC ORDER TO SHOW CAUSE IS granted to the limited extent of ~~permitted~~ permitting 20-22 Prince to commence a housing court case nunc pro tunc, captioned 20-22 Prince LLC v Helena Rajewsky and the N.Y. Foundation, (N.Y. Co. INDEX LET 05/9/10/137). MOVANT MAY RESTORE the AFORESAID Housing Court case.
- (2) ~~Either party may restore this proceeding if there are any issues that this Court needs to address.~~

FILED

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SEP 12 2013

SEP 18 2013

NEW YORK

CLERK'S OFFICE

Guardianship and Fiduciary
Support Office

Date: 9/12/2013

Rose + Rose
Daniel P. Rose
Attorney for Defendant

MOVANT -
LUDLOW
RESPONDENT
(WARD H.R.)

So Ordered,

ENTER:

Lottie E. Wilkins

Attorney for Defendant

Attorney for Defendant

EXHIBIT "C"

Jainey Samuel

From: Liz Rodriguez <lrodriguez@9300realty.com>
Sent: Wednesday, August 10, 2016 9:50 AM
To: Jainey Samuel
Cc: Kimberly Sholomon
Subject: FW: Hallways 20 Priince Unit 15

Cordially,
Liz Serrano-Rodriguez
9300 Realty Management Inc.
Property Manager
632 Broadway, 7th Floor
New York, N.Y. 10012
Tel: (212) 228-9300 ext. 250
Fax: (212) 982-0391
EMAIL:lrodriguez@9300realty.com

From: CHASE WALSH [<mailto:chasewalsh@gmail.com>]
Sent: Wednesday, August 10, 2016 8:09 AM
To: Liz Rodriguez; Walsh, Kailey
Subject: Hallways

Hi Liz,

The hallways smelled so badly that I literally almost threw up walking up the stairs just now (gagged the entire way up). I know the heat makes it difficult, but there should be fans or something to help with the stench.

Also, I noticed there are no floor mats in the entrance and its expected to rain today.

Thanks,
Chase

Jainey Samuel

From: Liz Rodriguez <lrodriguez@9300realty.com>
Sent: Monday, August 15, 2016 3:06 PM
To: Jainey Samuel
Subject: FW: URGENT: 20 Prince building smell

Follow Up Flag: Follow up
Flag Status: Flagged

Cordially,
Liz Serrano-Rodriguez
9300 Realty Management Inc.
Property Manager
632 Broadway, 7th Floor
New York, N.Y. 10012
Tel: (212) 228-9300 ext. 250
Fax: (212) 982-0391
EMAIL:lrodriguez@9300realty.com

From: Jessica Harvey [<mailto:jessicamharvey@gmail.com>]
Sent: Monday, August 15, 2016 12:23 PM
To: Liz Rodriguez
Cc: Will Carey
Subject: URGENT: 20 Prince building smell

Hi Liz,

Hate to complain about this once again, but I can't tell you how bad the smell is both in the halls and in our apartment. I do not feel safe inhaling whatever is making the air like this.

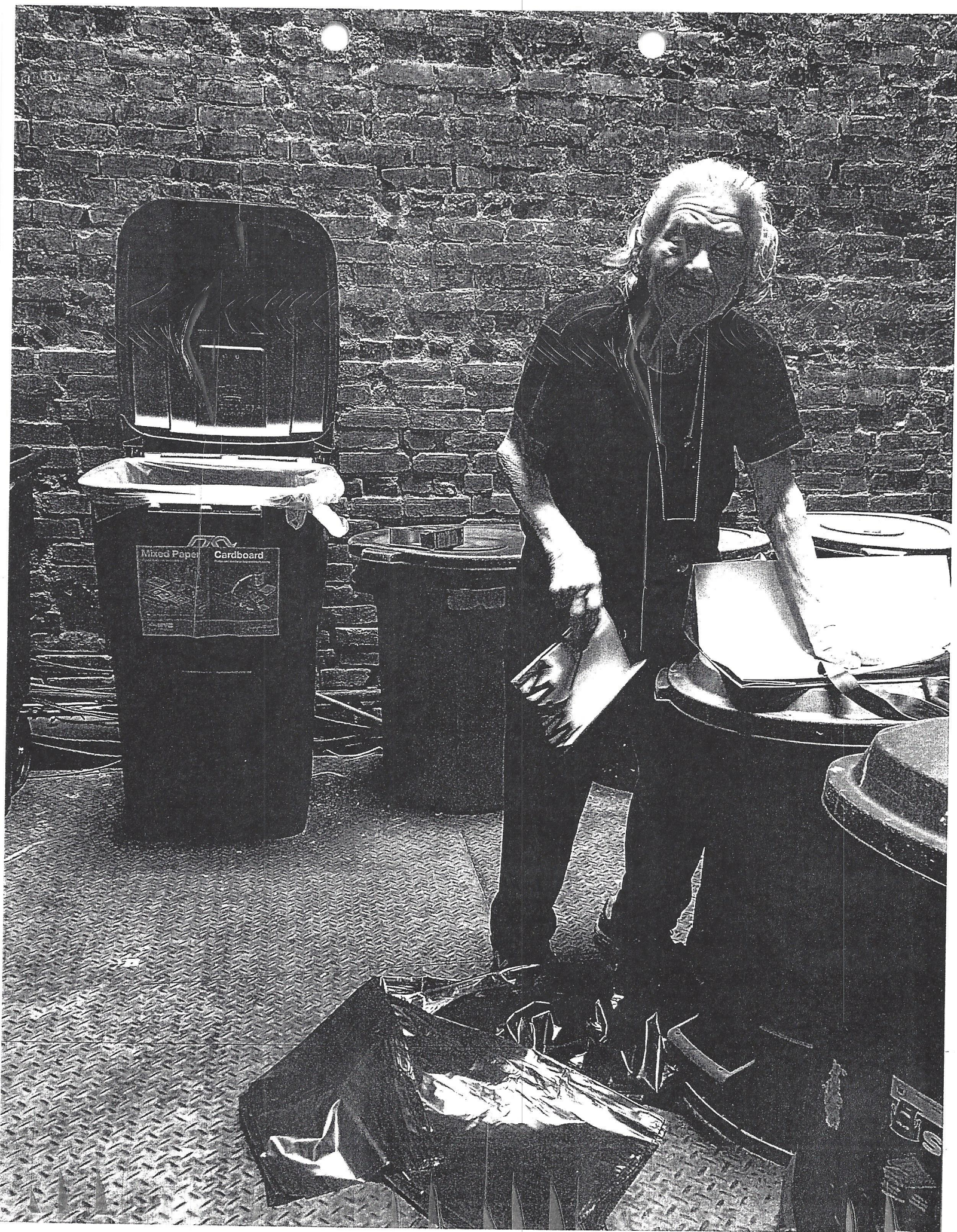
Before getting in touch with you, I texted/called Wilson but was unable to reach him.

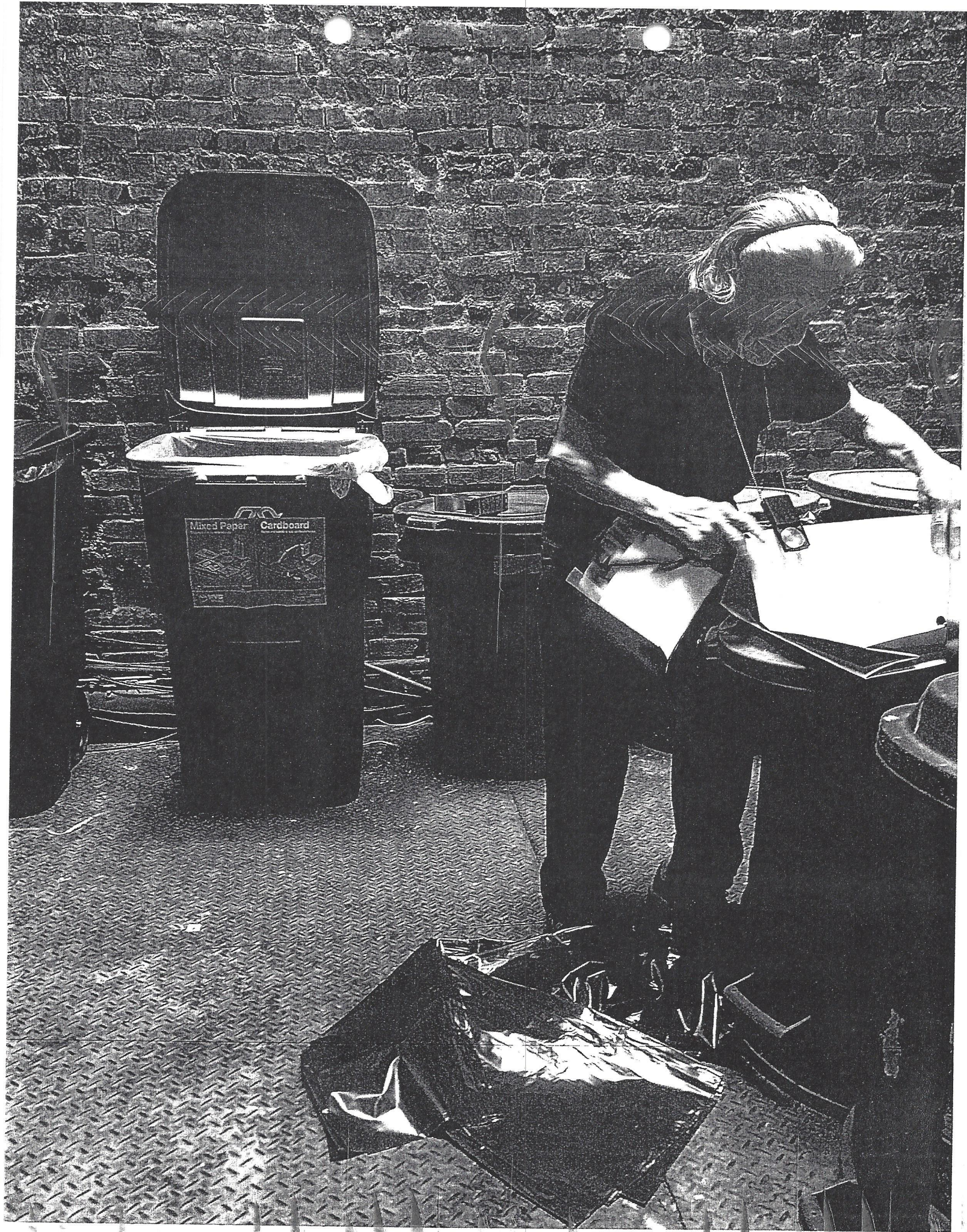
Let us know what we can do.

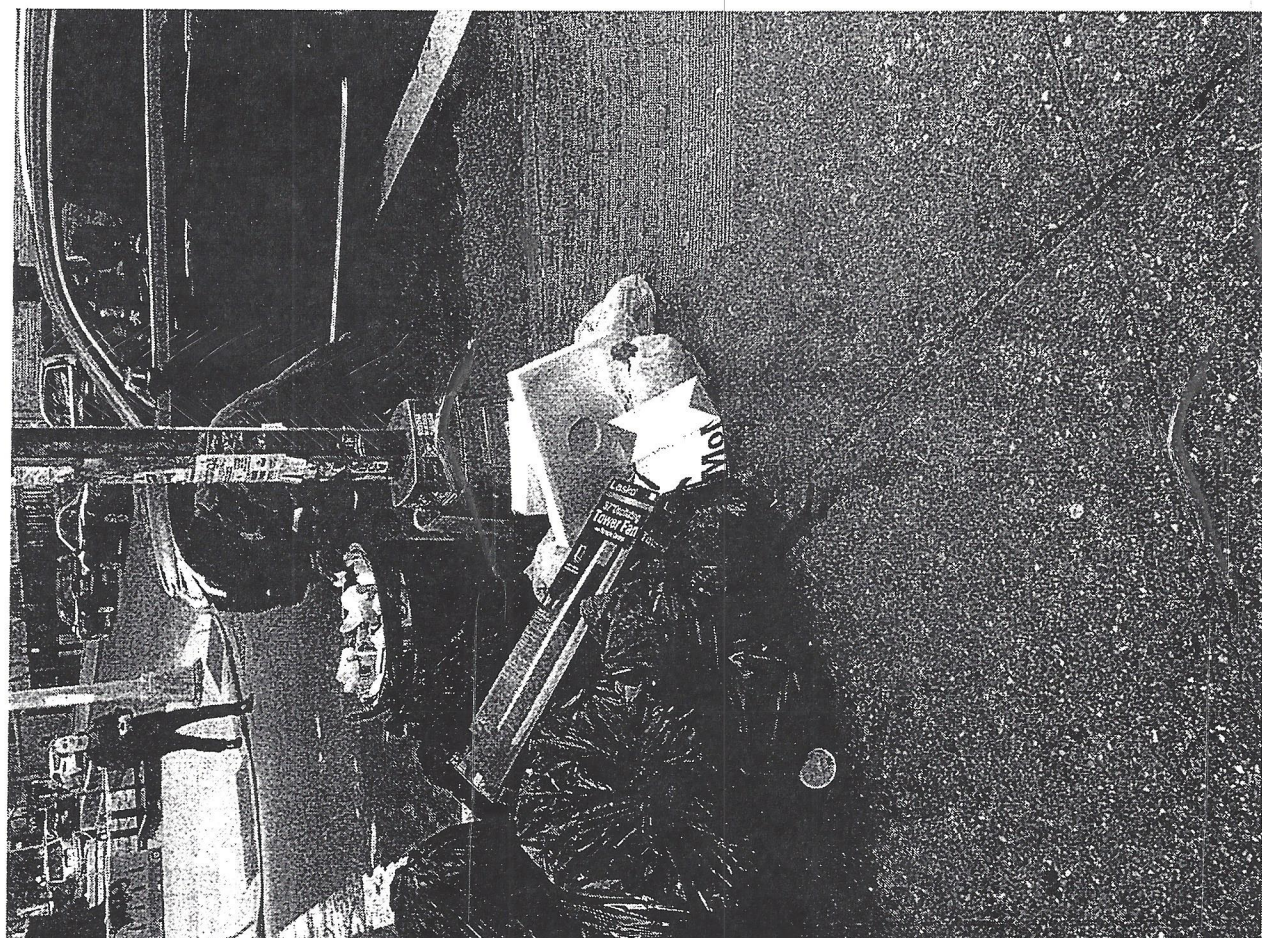
Thanks,
Jess

--
Jessica M. Harvey
703-407-3325
[linkedin](#)
[twitter](#)

EXHIBIT “D”



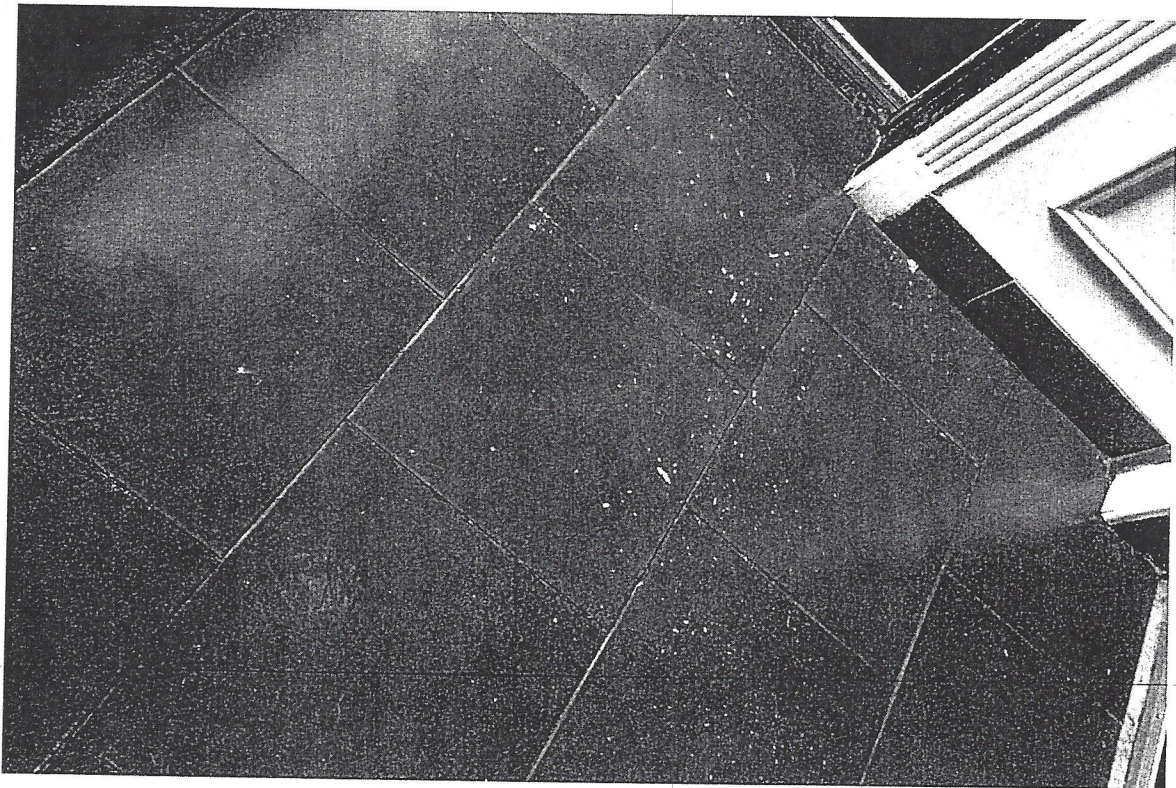
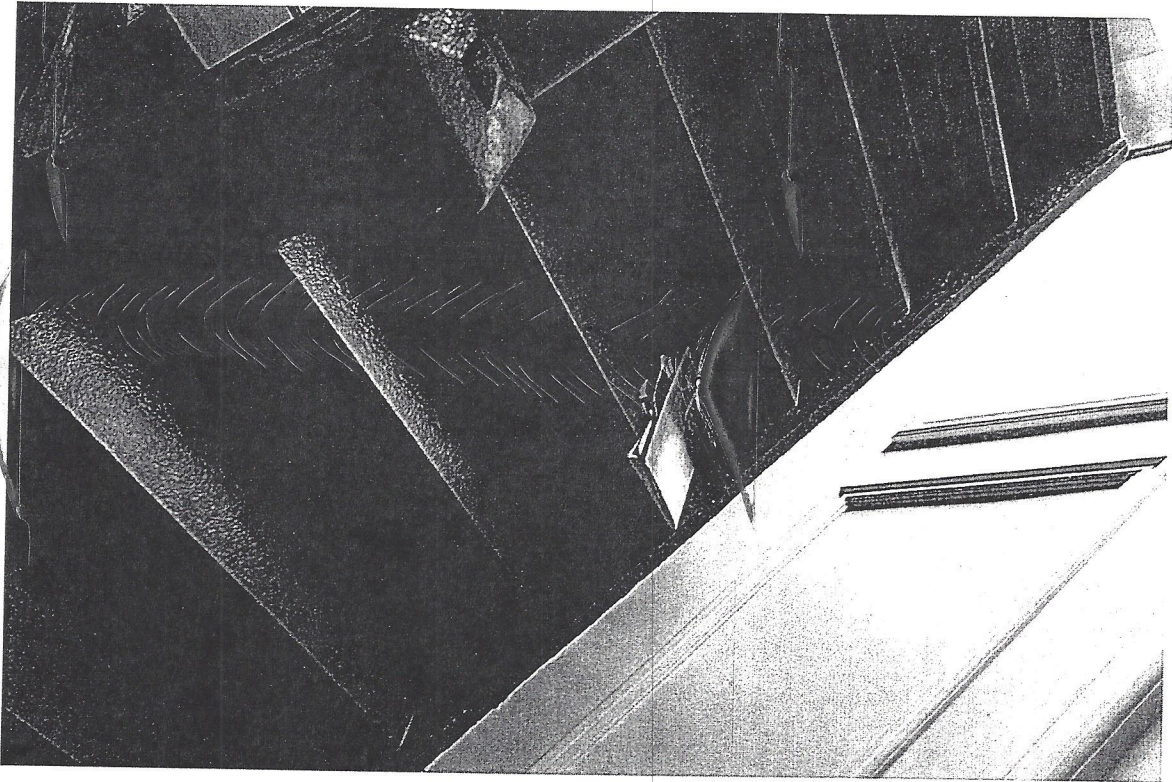






Photographs taken by Wilson Brito, superintendent for building,
of trail of garbage from the outside to Ms. Rajewsky's apartment
on August 17, 2016

Page
1 of 2



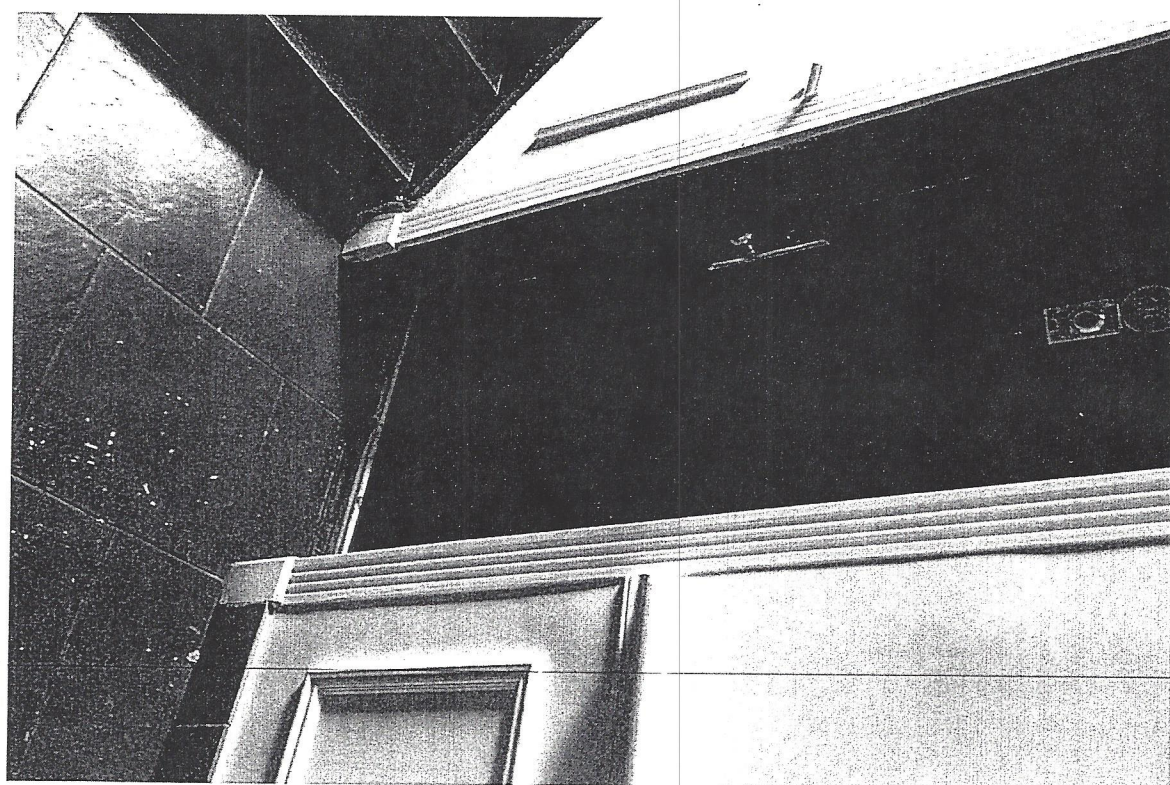


EXHIBIT “E”

NOTICE OF TERMINATION

20-22 Prince LLC
(Landlord)

TO: Helena Rajewsky a/k/a Ilyana Rajewsky
a/k/a Helen Rajewsky and New York Foundation for
Senior Citizens Guardian Services Inc., as Guardian

and "JOHN DOE" and/or "JANE DOE"
first and last names being
unknown and fictitious

20 Prince Street a/k/a 20-22 Prince Street
Apartment 36
New York, New York 10012

ADDITIONAL SERVICE TO:

Morris K. Mitrani, PC
Attorney for Article 81 Guardian
100 Park Avenue, 20th Floor
New York, New York 10017

New York Foundation for Senior Citizens
Guardian Services, Inc.
Article 81 Guardian
11 Park Place, 14th Floor
New York, New York 10007

PLEASE TAKE NOTICE, that your statutory tenancy is hereby terminated effective August 31, 2016 for the reason that you and/or occupants of the aforesaid Apartment are:

- I. Committing or permitting a nuisance in the housing accommodation; you and/or occupants are maliciously or by reason of gross negligence substantially damaging the housing accommodations; or engaging in conduct such as to interfere substantially with the comfort or safety of the landlord or of other tenants or occupants of the same or other adjacent building or structure pursuant to Rent Control Law §8585(1)(b).

PLEASE TAKE FURTHER NOTICE, that the facts necessary to establish these grounds are:

- A. You have been observed smearing feces, digging through garbage dumpsters and containers, and bringing items of garbage back to your apartment. You have defecated in plastic bags and

jars, which you kept in your feces-stained apartment. As a result, an ongoing, recurring horrific and sickening odor emanates from your apartment.

B. You frequently have uncovered and opened food in your apartment. Such uncovered and opened food has been observed by the landlord's management, employees, and/or contractors as well as others to be spoiled, rotten and/or infested with roaches.

C. Your conduct as described above has attracted roaches, vermin and other pests to your apartment. The unsanitary and filthy condition of your apartment has created a breeding grounds for roaches, vermin and pests, which have been observed scurrying from under your apartment door into the hallway of the building.

D. Several tenants on your floor and in the building complain about the offensive and foul odor emanating from your apartment. Some tenants have informed the Landlord that they will not renew their leases and some have threatened to break their leases due to the conditions in your apartment.

E. Upon inspection of your floor, the landlord's management and the building superintendent confirmed that roaches, vermin, and other pests have been observed scurrying from under your apartment door into the hallway of the building.

F. In 2008, your nuisance conduct in turning your apartment into a malodorous garbage dump compelled the landlord to commence a summary holdover proceeding entitled 20-22 Prince LLC v. Helen Rajewsky, et al, Index No. 58235/08. That proceeding was settled pursuant to a stipulation of settlement entered into with your Article 81 Guardian, which, *inter alia*, provided for a one-year probationary period.

G. In 2013, your nuisance conduct in turning your apartment into a malodorous garbage dump compelled the landlord to, again, commence a summary holdover proceeding entitled 20-22 Prince LLC v. Helen Rajewsky, et al, Index No. 51910/13.

H. In the prior proceeding, an Order of the Article 81 Court was subsequently issued allowing landlord to restore the summary holdover proceeding against you in or about September 2013, however, due to the Article 81 guardian obtaining expanded powers to hire a professional cleaning service, obtaining key access to your apartment, and arranging for the cleaning of your apartment, the landlord, thereafter, relied on the Article 81 guardian exercising its expanded powers to permanently

address your nuisance conduct although the landlord was able to establish your non-curable nuisance conduct. Subsequently, the conditions had been abated to a certain extent although not completely corrected.

I. In or about April 2015, the landlord's management received several complaints from other tenants and occupants as to noxious odors emanating from your apartment and the landlord's management, employees, and/or contractors observed the same.

J. The nuisance conditions compelled the landlord to serve a Notice of Termination in December 2015 with a termination date in January 2016, despite the landlord's efforts to avoid another proceeding by contacting your Article 81 guardian directly numerous times in writing and by telephone to address your conduct and the conditions of your apartment described herein.

K. The roach infestation in your apartment resulted in the landlord receiving a Class "B" HPD violation to abate the nuisance consisting of roaches in the entire apartment. This is despite the landlord having an exterminator go to your apartment regularly. At that time, you have quarreled with, and refused to give access to, the exterminator on a number of occasions and, on those occasions when access was provided, your conduct and the conditions of your apartment as described herein, prevented the exterminations from being effective.

L. Any attempts to discard the spoiled and rotten food and/or infested food by the landlord's management, employees, and/or contractors, on your behalf, for the health and safety of you and other tenants in the building met with resistance in that you took the food out of trash bags and put it back in your apartment.

M. Your conduct resulted in property damage, as a kitchen cabinet infested with roaches in your apartment had to be discarded and replaced due to the roach infestation in your apartment.

N. Additionally, Petitioner's employees and/or contractors were unable to commence repairs and/or correct violations in your apartment due to the noxious odors and roach infestation, which created a serious health and safety hazard and danger of disease.

O. After the service of the Notice of Termination in December 2015 with a termination date in January 2016, the the Article 81 guardian arranged for a deep cleaning of your apartment and a home aide attendant. Due to the Article 81 guardian hiring a professional cleaning service and arranging for a

home aide attendant, the landlord, thereafter, relied on the Article 81 guardian exercising its powers to permanently address your nuisance conduct although the landlord was able to establish your non-curable nuisance conduct.

P. To date, the landlord and landlord's management continue to receive complaints that there is an ongoing, recurring foul, pungent, noxious, disturbing and undesirable odor emanating from your apartment, permeating into the hallway, common areas, including the lobby, neighboring apartments, and throughout the floors in the building.

Q. Tenants in the building also regularly complain to the landlord about you digging through the garbage on the public street and in the building and bringing items and discarded food back into your apartment, the unsanitary conditions of your apartment, and the roaches, vermin and other pests originating from your apartment. Personal onsite visits and observations by landlord's management and employees have confirmed the same.

R. Some tenants with apartments adjacent to your apartment have vacated and/or threatened to not renew their leases alleging it is due to your conduct and conditions of your apartment, as described herein. Other tenants have complained about the recurring noxious odor which travels throughout the building from the lobby to the top floor.

S. The superintendent of the building must open all of the windows of the building to air out the odor in the building. A porter is assigned to mop your floor daily with scented floor cleaner to minimize the odor emanating from your apartment. In one week alone, the landlord had to purchase two bottles of Lysol floor cleaner as a result.

T. Upon information and belief, you refuse to allow a cleaning or housekeeping service to assist in attempting to maintain your apartment in a sanitary condition and/or a cleaning or housekeeping service is not properly or regularly maintaining your apartment.

U. Your conduct and the resulting ongoing, recurring noxious odor, roach infestation as described above creates a serious health and safety hazard and danger of disease that threatens the comfort and safety of building tenants or occupants, which detrimentally affects the landlord and other tenants and occupants.

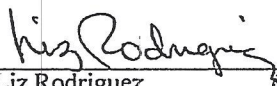
No Notice to Cure is served herein on these nuisance allegations based upon the serious nature of the situation created at the subject premises and the continuing nature of this situation.

PLEASE TAKE FURTHER NOTICE that you are responsible for legal fees incurred by the landlord with regard to the preparation and service of this notice and any and all work done prior to and subsequently thereto based upon your default under your tenancy.

PLEASE TAKE FURTHER NOTICE that you are required to quit, vacate and surrender possession of the subject premises to the landlord on or before August 31, 2016, and upon your failure to so quit, vacate and surrender possession, the Landlord will commence proceedings under the Statute to remove you from said premises and recover possession of the premises.

Dated: August 10, 2016

20-22 Prince LLC
(Landlord)



Liz Rodriguez
Managing Agent

DANIELS, NORELLI, CECERE & TAVEL PC
97-77 Queens Boulevard
Suite 620
Rego Park, NY 11374
(718) 459-6000

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

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,
an Incapacitated Person

Assigned to:
Hon. Kelly O'Neill-Levy

**NOTICE OF MOTION
AFFIRMATION IN SUPPORT
AFFIDAVITS IN SUPPORT
EXHIBITS**

DANIELS, NORELLI, CECERE & TAVEL, P.C.
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