

QUARTERLY LEGAL JOURNAL

We are happy to provide you with our Quarterly Legal Journal. This Legal Journal will give you a synopsis of recent cases and developments in Real Estate along with copies of the reported cases and statutes. Please feel free to reach out to us with any questions. We are happy to be of assistance to you and your clients. Thank you.

EASEMENT - EXTINGUISHED BY ABANDONMENT

KINGS COUNTY

Boerum Johnson, LLC v. Marte, 220 A.D.3d 636 (2d Dept. 2023) Decided October 4, 2023. Related Marte v. Boerum Johnson, LLC, 220 A.D.3d 638 (2d Dept. 2023) Decided October 4, 2023. Plaintiff commenced this action pursuant to RPAPL Article 15 to quiet title and for a judgment declaring there was no easement over its property (“Boerum Property”). In 1949, certain real property adjoining the Boerum Property (“Marte Property”) was converted to an automobile repair shop. The repair shop included a rear door, leading to an easement of record...

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ADVERSE POSSESSION – FAILURE TO MEET BURDEN

TOMPKINS COUNTY

Hongwei Guan v. EZC Carolinas, LLC, 2023 WL 8458620 (3d Dept. 2023). Decided December 7, 2023. In 2006, plaintiffs became the owners of the western parcel and began using a shed that was fully located on their neighbor’s property on the east. In 2021, defendant became the owner of the eastern parcel and subsequently constructed a fence along the boundary line. The fence enclosed the shed within defendant’s



parcel. Plaintiffs commenced this action seeking to permanently enjoin defendant from maintaining the fence that prevents them from accessing...

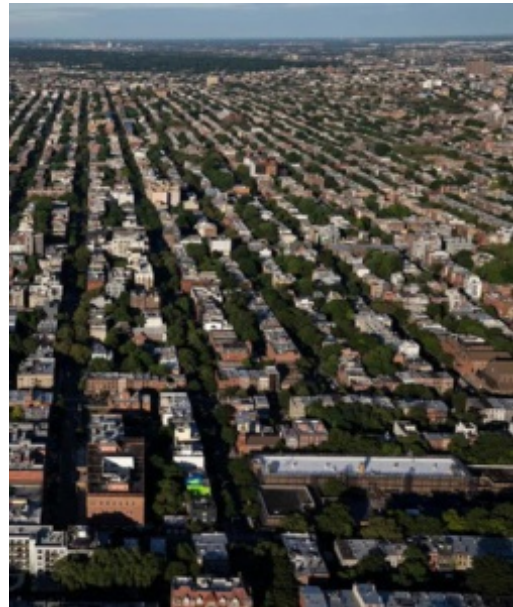
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FORECLOSURE- RIGHTS OF UNNAMED NECESSARY PARTIES

QUEENS COUNTY

Nationstar Mortgage, LLC v. Weston, 218 A.D.3d 784 (2d Dept. 2023) Decided July 26, 2023. In this mortgage foreclosure action plaintiff named Maurice Oparaji who held three subordinate judgment liens as a defendant. The defendant moved pursuant to CPLR 3211(a)(8) to dismiss the complaint insofar as asserted against him for lack of personal jurisdiction and pursuant to CPLR 3211(a)(10) to dismiss the complaint insofar as asserted against the other defendants for failure to join a...

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FORECLOSURE – SEPARATE ENVELOPE REQUIREMENT FOR RPAPL 1304

GREENE COUNTY

Deutsche Bank Natl. Trust Co. v Zadari, 220 A.D.3d 1151 (3d Dept. 2023) Decided October 26, 2023. In December 2017, Plaintiff commenced this foreclosure action against mortgagors Margaret and Omar Zadari. In September 2017, plaintiff sent 90-day notices of foreclosure to defendants at the property and to their last known address in Stamford,



Connecticut. Defendants answered the foreclosure complaint, raising affirmative defenses including that plaintiff failed to comply with ...

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