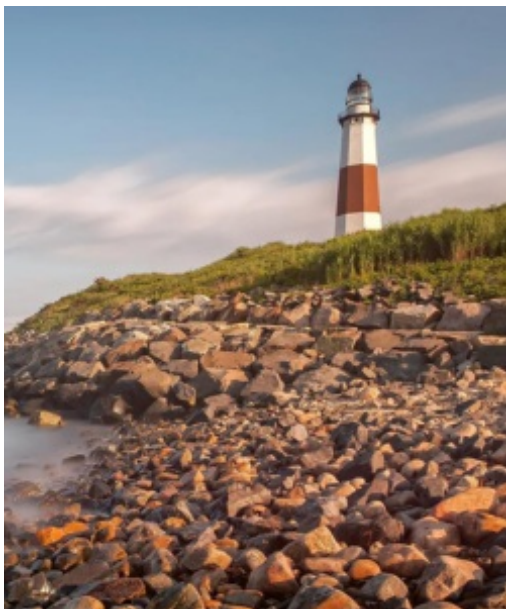


## QUARTERLY LEGAL JOURNAL

### FRAUD - SALE FROM "SOLE HEIR"

#### KINGS COUNTY

98 Gates Avenue Corp., v. Bryan, Jr., 2024 WL 1081036 (2d Dept. 2024) Decided March 13, 2024. Plaintiff commenced this action to recover damages for fraud and breach of contract arising out of the purchase of the defendant's interest in real property located in Brooklyn that had been owned by the defendant's deceased father. The plaintiff alleged that it purchased the defendant's purported 50% interest in the premises based upon false representations by the defendant that he was the sole heir and distributee of his father, that the defendant was a 50% owner of the... **READ MORE & CASE CITE**



### EASEMENT - DEEDED & PRESCRIPTIVE EASEMENTS

#### SUFFOLK COUNTY

Daniello v. Wagner, 221 A.D.3d 956 (2d Dept. 2023) Decided November 29, 2023. This is an action pursuant to RPAPL Article 15 seeking a judgment declaring that the plaintiffs have both a deeded easement and a prescriptive easement over the areas of their driveway that encroached onto the defendant's property. The defendant and the plaintiffs own adjacent parcels. The properties known as 15 Grant Drive and 21 Grant Drive in Montauk were owned by a common owner named... **READ MORE & CASE CITE**

## FAILURE TO MEET BURDEN THAT PURCHASER HAD NO ACTUAL KNOWLEDGE OF AN EASEMENT

### COLUMBIA COUNTY

JMMJ Development, LLC v. Town of Greenport, 222 A.D.3d 1281 (3d Dept. 2023). Decided December 28, 2023. JMMJ Development, LLC, (“Plaintiff”) a purchaser of servient estate filed suit against the Town of Greenport (the “Town”) alleging that the Town's unrecorded sewer easement over Plaintiff’s property was invalid and that the presence of Town's sewer lines thereon was unlawful. The Town counterclaimed, seeking a declaration... **READ MORE & CASE CITE**



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