

NAME OF COURT
COUNTY OF MONROE

STATE OF NEW YORK

LANDLORD
Address

Petitioner,

**NOTICE OF PETITION AND
PETITION TO RECOVER
POSSESSION OF PREMISES
FOR NONPAYMENT OF RENT**

vs.

TENANT(S)
Address

Respondent.

TO: TENANT

Respondent now in possession or claiming possession of the following premises:

Address

TAKE NOTICE that a hearing to recover possession of the premises will be held on **Court date and time**, before the **NAME OF COURT**, located at **court address**, New York, **Zip**, County of **___**, State of New York.

TAKE FURTHER NOTICE that if Respondent shall fail at such time to interpose and establish any defense that Respondent may have to the petition, Respondent may be precluded from asserting such defense, or the claim on which it is based, in any other action or proceeding.

TAKE FURTHER NOTICE that demand is hereby made that you make an answer to the petition at least ten days before the aforesaid date by serving said Answer upon Boylan Code LLP, attorneys for the Petitioner pursuant to RPAPL 732(3).

TAKE FURTHER NOTICE that demand is made in the petition for judgment against you for Rent due in the sum of \$ **_____**, plus additional Rent that becomes due from the date of this petition through the execution of the warrant; an award of possession of the premises, a

warrant of eviction, and for such additional relief as is proper, including judgment for costs and disbursements of this proceeding.

Dated:

BOYLAN CODE LLP

Jaime Michelle Cain, Esq.
Attorneys for Petitioner
Culver Road Armory
145 Culver Road
Rochester, New York 14620
585.232.5300

SAMPLE

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Petitioner, by and through its attorneys, Boylan Code LLP, for its Petition, respectfully alleges:

1. Petitioner is the owner of the apartment complex known as _____ located in the Town of _____, County of _____ and State of New York and within the territorial jurisdiction of this Court.
2. Respondent heretofore entered into a written lease with Petitioner's managing agent _____ for the apartment located at _____ ("Premises") for a monthly rent of \$_____ ("Rent") payable on the 1st day of each month in advance. **A copy of the lease is attached hereto as Exhibit "A".**
3. Upon information and belief, Respondent is in possession and occupancy of the Premises.
4. Upon information and belief, the Premises is the principal residence of the Respondent.
5. The CARES Act is not applicable to the current action. The Petitioner does not have a federally backed mortgage loan or a federally backed multifamily mortgage loan. **A copy of the print out of the Freddie and Fannie is attached hereto as Exhibit "B".**
6. In addition, Respondent does not participate in a "covered housing program" as defined in Section 41411(a) of the Violence Against Woman Act of 1994 (VAWA) that are promulgated under HUD, the Department of Agriculture or the Department of Treasury. In addition, Respondent is not currently participating or the recipient of a rural housing voucher, under Section 542 of the Housing Act of 1942.
7. Petitioner has reached out to Respondent on the following dates by the below prescribed method and has never received a response from Respondent; or received the

following response from Respondent, which did not indicate that the Respondent was suffering a financial hardship or eligible for unemployment. **Attached hereto as Exhibit "C"**

8. Pursuant to Executive Order 202.28, since March 7, 2020, Petitioner has not had any communications with the Tenant where the Tenant communicated with the Petitioner that they had any of the following circumstances occur:

- a) Respondent lost their job, or had hours reduced or was furloughed.
- b) Respondent is eligible or is actually receiving unemployment.
- c) Respondent tested positive for COVID 19 and therefore, could not work.
- d) Respondent was a caretaker for someone who tested positive and could not work.
- e) Respondent is the primary caretaker of a minor child not able to attend school due to the New York State PAUSE Order and therefore, could not work.
- f) Respondent has not made any other statement where the tenant communicated to Petitioner that they had a financial hardship due to COVID 19.

9. Respondent has defaulted in the lease by failing to pay the Rent due Petitioner for the months hereinafter set forth as follows:

MONTH	RENT

10. As a result, there is justly due and owing to the Petition from the Respondent the sum of \$ [REDACTED] in Rent.

11. A copy of the required 5-day notice sent on [REDACTED] pursuant to RPL 235-e(d) is attached hereto with proof of certified mailing receipt as **Exhibit “D”**.

12. Respondents were then served with a 14-day Notice to Quit pursuant to RPAPL 711(4) on [REDACTED], 2019. A copy of the Notice and the Affidavit of service are attached hereto as **Exhibit “E”**.

13. Accordingly, Petitioner, (and Petitioner’s counsel) affirm(s) that the current matter comports with the requirements of state and federal directives, including the directive set forth in Executive Order 202.28 and submit the required **Affirmation herewith as Exhibit “F”**.

10. Petitioner reserves the right to amend its petition to request Rent that becomes due during the pendency of this action, through the execution of the warrant.

WHEREFORE, Petitioner requests judgment in the amount of [REDACTED] plus attorneys’ fees in the sum of \$450.00 or such other amount awarded by the court, plus Rent that becomes due during the pendency of this action through the execution of the warrant; an award of possession of the premises, a warrant of eviction, and such additional relief as is proper, including the costs and disbursements of this proceeding.

Dated:

BOYLAN CODE LLP

Jaime Michelle Cain, Esq.
Attorneys for Petitioner
 Culver Road Armory
 145 Culver Road
 Rochester, New York 14620
 585.232.5300

STATE OF NEW YORK)
COUNTY OF MONROE) ss.:

_____ being duly sworn, deposes and says that deponent is the
Petitioner/owner in this proceeding; that deponent has read the petition and knows the contents
thereof; that the same is true to deponent's own personal knowledge except as to those matters
contained therein stated to be alleged upon information and belief, and as to those matters,
deponent believes them to be true.

Sworn to before me on
_____, 2020

Notary Public