ROCHESTER CITY COURT

COUNTY OF MONROE STATE OF NEW YORK

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**NOTICE OF PETITION AND**

Petitioner, **PETITION TO RECOVER**

**POSSESSION OF PREMISES**

vs. **FOR NONPAYMENT OF RENT**

Respondents.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

***TO:***

Respondents 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 **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** before the Rochester City Court, located at 99 Exchange Street, Rochester, New York 14614, County of Monroe, State of New York.

**TAKE FURTHER NOTICE** that if Respondents shall fail at such time to interpose and establish any defense that Respondents may have to the petition, Respondents 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; attorneys fees as awarded by the Court in the requested amount of $\_\_\_\_\_; 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: July 1, 2020 **BOYLAN CODE LLP**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Jaime Michelle Cain, Esq.

*Attorneys for Petitioner*

Culver Road Armory

145 Culver Road

Rochester, New York 14620

585.232.5300

ROCHESTER CITY COURT

COUNTY OF MONROE STATE OF NEW YORK

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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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 single-family home located at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ located in the City of Rochester, County of Monroe and State of New York and within the territorial jurisdiction of this Court.

2. Respondents heretofore entered into a written lease with Petitioner to rent the single-family home located \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (“Premises”) for a monthly rent of $\_\_\_\_\_\_\_ (“Rent”) payable on the 1st day of each month. **A copy of the lease is attached hereto as Exhibit “A”.**

3. Upon information and belief, Respondents are in possession and occupancy of the Premises.

4. Upon information and belief, the Premise is the principal residence of the Respondents.

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.

6. In addition, neither Respondent participates 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, neither Respondent is currently participating or the recipient of a rural housing voucher, under Section 542 of the Housing Act of 1942.

7. Respondents have defaulted in the lease by failing to pay the Rent due Petitioner for the months hereinafter set forth as follows:

|  |  |
| --- | --- |
| **MONTH** | **RENT** |
| April 2020 |  |
| May 2020 |  |
| June 2020 |  |

8. As a result, there is justly due and owing to the Petitioner from the Respondents the sum of $\_\_\_\_\_\_\_\_ in Rent.

9. A copy of the required 5-day notice sent on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ pursuant to RPL 235-e(d) is attached hereto with proof of certified mailing receipt as **Exhibit “B”**.

10. Respondent \_\_\_\_\_\_was served with a 14-day Notice to Quit pursuant to RPAPL 711(\_\_\_) \_\_\_\_\_\_\_\_\_, and Respondent \_\_\_\_\_\_ was served pursuant to RPAPL 711(\_\_\_\_), by serving the papers to \_\_\_\_\_\_\_\_\_\_. A copy of the Notice to Quit and the Affidavit of services are attached hereto as **Exhibit “C”**.

11. 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 for Rent in the amount of $\_\_\_\_\_\_\_ plus attorneys’ fees in the sum of $\_\_\_\_\_.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: July 1, 2020 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