

DISTRICT COURT OF NASSAU COUNTY
FIRST DISTRICT: L&T PART

EMILY CALABRESE & GIUSEPPE
CALABRESE

Petitioner (Landlord)

-against-

CARLOS ETIENNE, PRICILE BELLA VOIR,
PIERRE NORMIL, CHRISTELA PIERRE,
"JOHN" "DOE NUMBER ONE THRU THREE"
"JANE" "DOE NUMBER ONE THRU FOUR"

Respondent (Tenant)

HON. JAMES DARCY

DECISION and ORDER

Index No. LT-005579-15

Papers Considered:

Notice of Petition.....1

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Before the court is the Petitioner's Non-Payment Summary Proceeding against the Respondent alleging that Respondents have failed to pay rent in the amount of \$3,100.00 each for the months of October 1, 2015 through March 31, 2016, along with additional rent consisting of late fees (\$160.00) and attorney fees (\$975.00).

A trial was held before this Court on January 11, 2016 and continued on March 24, 2016 wherein Petitioner credibly testified as to Respondents' having failed to pay rent pursuant to the lease between the parties for the aforesaid months. Petitioner further offered credible testimony and evidence with regards to the process and procedure utilized in Petitioner's attempts to collect the aforesaid fees and in bringing this proceeding. Petitioner also offered testimony regarding damages allegedly inflicted by the respondents.

Respondents dispute owing any money to the landlord. They claim that prior to entering into possession they had changed their minds and come to the conclusion that they could not afford the rent called for in the lease. They indicate that they spoke to the landlord who convinced them to put in subtenants to assist with the payment of rent. They claim that they referred certain additional people to the landlord as sub-tenants and landlord investigated and cleared them for approval. Their testimony was somewhat


unclear as to who these subtenants actually paid their rent. They further disputed landlord's claims regarding damages to the subject premises. This court did not find their testimony to be convincing and found Petitioners' testimony to be credible.

Based upon all of the facts and circumstances elicited at the trial herein, it is the decision of this court that:

- 1) Judgment of possession be awarded to the Petitioner as against the Respondent. Issuance of the Warrant of Eviction to be forthwith.
- 2) Money Judgment in the amount of \$18,600.00 be awarded to Petitioner as against the Respondents.
- 3) No award for damages, late fees or attorney fees have been granted as those issues are more properly the subject of a plenary action.

The foregoing constitutes the decision and Order of the court.

SO ORDERED:



JAMES DARCY
J.D.C.

Dated: March 30, 2016

cc: John A. Reno, Esq., *Attorney for Petitioner*
Carlos Etienne & Pricile Bellavoir, *Respondents pro se.*