

Matter of Hamilton v Shrem
2018 NY Slip Op 31890(U)
August 8, 2018
Supreme Court, Kings County
Docket Number: 1919/201
Judge: Ellen M. Spodek
Cases posted with a "30000" identifier, i.e., 2013 NY Slip Op <u>30001</u> (U), are republished from various New York State and local government sources, including the New York State Unified Court System's eCourts Service.
This opinion is uncorrected and not selected for official publication.

At IAS Part 72 of the Supreme Court of the State of New York Held in and for the County of Kings at the Courthouse, Thereof, 360 Adams street, Brooklyn, N.Y., on the 8 Of August, 2018 Present: HON. Ellen M. Spodek

Justice of the Supreme Court

RECEIVED CLERK
KINGS COUNTY
2018 AUG -7 PM 1:31

-----X
In the matter of the Application of

GEORGE V HAMILTON

INDEX# 1919/2018

Petitioner/s,

-Against-

Order to Show Cause

**SHMUEL SHREM
VANESSA PRICE
89 OSBORNE, LLC,
WISDOM EQUITIES LLC,
WEBSTER BUSINESS CORPORATION,**

Respondents,
-----X

Duly verified on the 6th day of August 2018, the exhibits annexed thereto, and upon all of the prior papers and pleading and each of them heretofore had herein.

- (A) Copy of Petitioner's Deed of Ownership (B) Copy of Satisfaction of petitioners Early Mortgage (C) Copy of Fraudulent Property Transfer Deed (D) Copy of Fraudulent Mortgage taken out by respondents (E) Copy of fraudulent assignment of lease and rent
- (F) Copy of Notice of default and Foreclosure Notice (G) Copy of Fraudulent assignment of Mortgage

Let the respondent or his / her/ their attorney show cause at IAS part 68, Room 538, of this court, to be held at the courthouse, 360 Adams Street, Brooklyn N.Y., on the 20th day

of September, 2018, at 9:30^{AM} 0' clock in the fore noon Or as soon thereafter as counsel may be heard why an order should not be made

RELIEF SOUGHT

- A) An order from the court demanding the return of title for the property located at Block 001369, Lot 0054 commonly known as 1641 Park Place, Brooklyn New York, 11235, to the petitioner George V Hamilton who is the only rightful and true owner of the said property.
- B) An order from the court declaring the currently existing fraudulent deed made on the 13th day of November 2017, recorded and filed on the 24th day of November 2017, with CRFN# 2017000432385, in the name of **89 Osborne LLC** against the said property as null and void and recognizing the petitioner George V Hamilton as the only true owner of the said property.
- C) An order from the court clearing the title of the subject property of the fraudulent mortgages, of any and all liens, judgments and encumbrances that are related or assigned to the fraudulent mortgage, title and transactions related to the said property.
- D) An order from the court demanding that respondent/s reimburse petitioner for all legal and court fees that petitioner had to endure as a result of attempting to regain ownership of petitioners' property which was fraudulently stolen from petitioner by the respondent/s.
- E) To avoid an injustice and illegal enrichment to the respondent/s to the detriment of the petitioner, petitioner George V Hamilton is requesting that a judgment be handed down in petitioners favor or a ruling as the court deems appropriate in this matter.

Reasons for the Relief

- 1) **Fraud in the inducement.** Respondent Shmuel Shrem's initial attempts to force petitioner George V Hamilton to sell the subject property was futile. Instead of giving up respondent Shmuel Shrem initiated an alternative scheme using respondent Vanessa Price to deceive and trick petitioner to sign fraudulent documents that were to petitioner's disadvantage. The petitioner had no idea that he signed an agreement to deed away the subject property because respondents provided fake documentation and information to petitioner. Respondents misled petitioner as to the facts upon which petitioner based his decision to act. The respondents presented the petitioner with fraudulent documents to convince the petitioner that an individual by the name of George V Hamilton owed large sums of monies. Additionally, respondent Vanessa Price lied to petitioner regarding the amount of loan that the petitioner was signing for and convinced the petitioner that if he does not take care of the outstanding taxes and water bill his property will be sold to cover the debts owed.
- 2) **Deception as to the nature and character of documents presented for signing.** Senior citizen Petitioner George V Hamilton was deceived into signing a document based on what respondent Vanessa Price told him and without any independent legal advice. Petitioner George V Hamilton last dealt with real estate issues, documents and process when he purchased his home over thirty years ago and did not recognize the paperwork and its content when asked to sign documents. Senior citizen Petitioner George V Hamilton in good faith depended on the advice and word of respondent Vanessa Price whose sole intention was to defraud petitioner without his knowledge.
- 3) **Conversion** – The respondents out of malice exercised dominion over the petitioner's property to coerce the payment of a debt that the petitioner did not know he owed. Additionally an assignment of lease and rent was done on the 13th of November 2017 and filed and recorded on the 24th November 2017 with CRFN# 2017000432388 listing 89

Osborne LLC as the assignor and Wisdom Equities LLC as the assignee, allowing the respondent Shmuel Shrem who signed on behalf of the assignor 89 Osborne LLC to collect rent. A collateral assignment of lease and rent was also done on the 13th November 2017 and recorded and filed on 24th November 2017. These actions were malicious done to take Dominion of the petitioner's property resulting in severe pain and mental suffering as any day now the petitioner may be forced out of his property. (Exhibit E).

- 4) **Theft of Property** - Respondent Shmuel Shrem fraudulently stole ownership of the said property from the petitioner by creating a fraudulent corporation and transferring ownership of the said property from the petitioner George V Hamilton to a fraudulent respondent corporation, 89 Osborne LLC that the respondent Shmuel Shrem created himself. Respondent Shmuel Shrem then used additional fraudulent fictitious corporations including WISDOM EQUITIES LLC, WEBSTER BUSINESS CORPORATION in conspiracy with 89 OSBORNE LLC to defraud and steal over \$700,000 in equity of the petitioner's property. A property worth almost \$4 million.
- 5) **Mortgage Fraud** - Respondents fraudulently took out a mortgage using the plaintiff's property. There is no contract of sale on record, no down payment received by the petitioner, no money trail regarding the defendant transferring ownership of the subject property.
- 6) **Banking Fraud** - The respondent filed fraudulent instruments with the bank in order to take out an illegal mortgage.
- 7) **Title Fraud** - The respondents performed illegal actions to obtain title to the petitioner's property.
- 8) **Deed fraud** - Respondent Shmuel Shrem together with the other respondents have fraudulently created these entities for the sole purpose of committing deed and mortgage fraud against the unsuspecting senior petitioner George V Hamilton.

9) **Embezzlement** – The respondent now has “lawful” possession of the petitioner’s property because respondents illegally and fraudulently deprived the petitioner of the subject property without the petitioners consent. Respondent Shmuel Shrem together with the other respondents are now illegally threatening to bring foreclosure action against petitioner George V Hamilton’s property after respondents acted fraudulently placing the elderly petitioner in deep peril and causing grave harm to the petitioner while committing illegal mortgage fraud using the petitioners subject property. (Exhibit C)

10) The petitioner now finds himself in a state of severe mental and emotional distress because of the perils being suffered as a result of the illegal actions of the greedy, criminal and wicked respondents.

THEREFORE, let personal service ~~or service by mail~~ of a copy of this order, and copies of the papers upon which it was signed, along with exhibits if any, upon the Respondents as required by law, on or before the 7th day of September 2018, be deemed good and sufficient.

The Petitioners requesting that the court grants their request to serve the Respondents by mail service.

*Wub
JSC*

The court hereby enjoins the transfer, assignment, lease or sale or any other transactions involving this deed or property pending a hearing on this matter.

ENTER

[Signature]
 HON. JUDGE J.C. BAYNES
 J.S.C. For Judge J.C. Baynes