

QUARTERLY  
**LEGAL JOURNAL**

**EASEMENT BY NECESSITY**

**ERIE COUNTY**

**Trusso v. Brev519, LLC, 231 A.D.3d 1514 (4th Dept. 2024). Decided October 4, 2024.** Plaintiff owns a parcel located on 16 St. Louis Street in Buffalo. Plaintiff states that his parcel is land locked and, since 2000, when he purchased his parcel, he has been using an access driveway on 519 Virginia Street for ingress and egress to the nearest public highway. In 2019 defendant purchased 519 Virginia Street. Shortly thereafter, defendant denied plaintiff and his guests use of the access driveway. As a result, plaintiff filed a complaint against defendant for a judgment... [READ MORE & CASE CITE](#)



**MECHANIC'S LIEN**

**NEW YORK COUNTY**

**North Stucco Construction, Inc. v. USD 142 W 19 LLC. 84 Misc.3d 1250(A) (Sup. Court NY County) Decided December 17, 2024.** This action arises from a dispute over payment for work performed on a construction project in Manhattan. Plaintiff, North Stucco Construction, Inc., which served as a subcontractor on the project, alleged that it was owed \$34,050 for labor and services. On November 3, 2022, plaintiff filed a mechanic's lien against the property owned by defendant USD 142 W 19 LLC. In late November 2022, the property owner filed a bond... [READ MORE & CASE CITE](#)

**ELEMENTS TO ADVERSE  
POSSESSION**

**BRONX COUNTY**

**Gelles v. Sauvage, 2025 WL 51870 (1st Dept. 2025). Decided January 9, 2025.** In 1997, plaintiff, Amy Gelles, acquired property in the Bronx, which abutted a property owned by Maria Sauvage. In

April 2015, Ms. Sauvage hired workers to demolish the part of a stone garage that was within her property boundaries. Shortly thereafter, plaintiff commenced this action to quiet title to the disputed area, based on plaintiff's claim that she had acquired the disputed area by adverse possession during the 10 years following her acquisition of her property in 1997... [READ MORE & CASE CITE](#)



### **ERRONEOUS FILING OF SATISFACTION OF MORTGAGE RICHMOND COUNTY**

Lakeview Loan Servicing, LLC v. Rafuna, 232 A.D.3d 777 (2d Dept. 2024). Decided November 20, 2024. MERS, as nominee for American Financial Resources, Inc. held a consolidation, extension, and modification agreement given by the borrower Carmine Berardi. The CEMA which consolidated two mortgages was recorded on November 16, 2011. About a month later, on December 19, 2011, MERS, as nominee for American Financial, Inc., recorded a satisfaction stating that the original mortgage, the gap mortgage, and the CEMA were satisfied... [READ MORE & CASE CITE](#)



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